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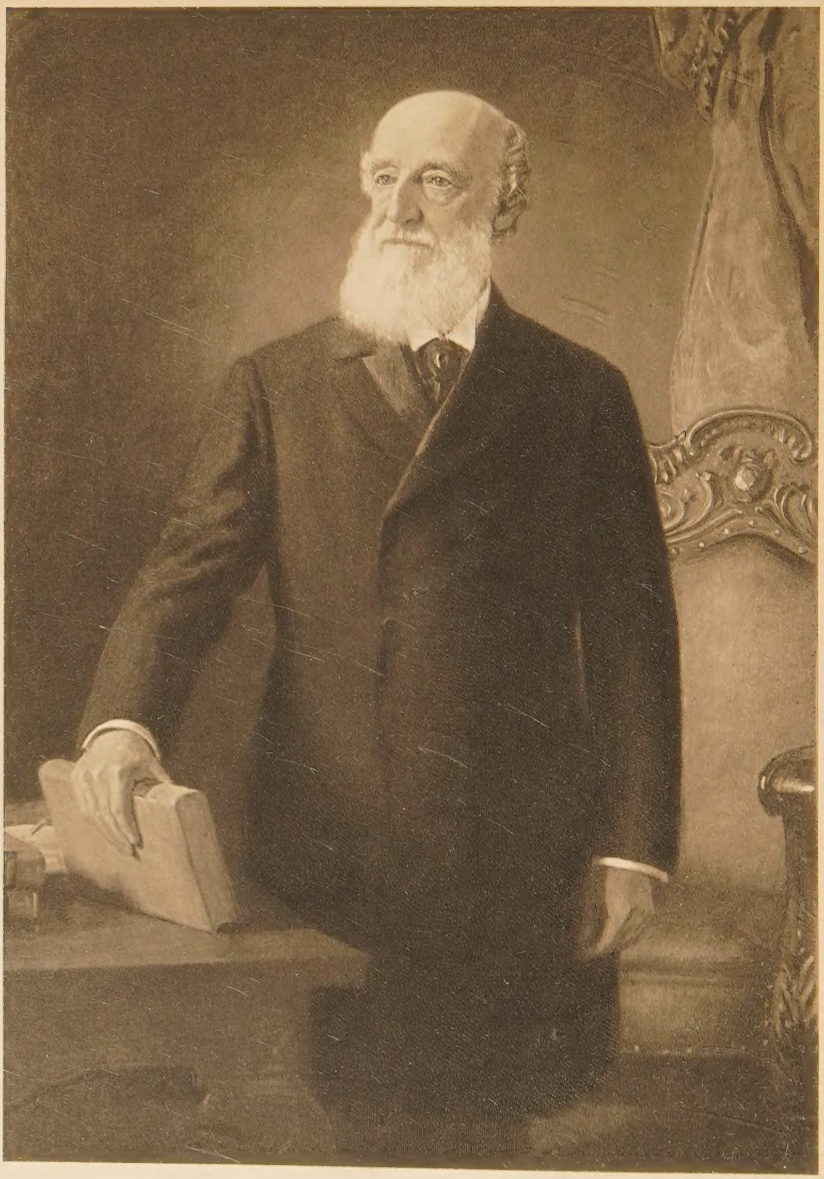
A RETROSPECT OF FORTY YEARS

1825–1865



A RETROSPECT OF FORTY YEARS

1825–1865

BY

WILLIAM ALLEN BUTLER

EDITED BY HIS DAUGHTER

HARRIET ALLEN BUTLER

WITH PORTRAITS AND ILLUSTRATIONS

NEW YORK
CHARLES SCRIBNER'S SONS
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1911

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HARRIET ALLEN BUTLER

TO

THE GRANDCHILDREN

FOR WHOM, AT HER REQUEST, THEIR

GRANDFATHER

IN THE CLOSING YEARS OF HIS LIFE, AND WITH FAILING EYESIGHT, DICTATED THESE

REMINISCENCES

THEIR GRANDMOTHER

MARY RUSSELL BUTLER

PRESENTS THIS VOLUME

WITH THE HOPE THAT THE HIGH IDEALS, THE PURITY OF LIFE, AND THE DEVOTION TO DUTY WHICH CHARACTERIZED HIM WILL EVER BE AN INSPIRATION TO THEM

PREFACE

In recalling any important undertaking in one's life, or in that of another, there is always some especially associated place which stands out with peculiar distinctness.

Such recollections, as far as this volume is concerned, cluster about the corner of a certain old leather-covered sofa in that room of our home which has always been known as "The Study." There my father, in the early days of "Round Oak," pondered legal problems or amused the baby on his knee (sometimes doing both simultaneously), and there we can remember him, after his return from the city, at the end of a laborious day, still finding time and energy to tell his little children the next chapter of some thrilling tale which often for weeks and even for months would hold them spellbound by the narrator's charm and wit.

On that same sofa do those children, now men and women, picture their father in his declining years, and there, in time, came the little ones of the next generation to listen to famous stories retold and to original fairy tales. Often they found him there when for hours he had been dictating these reminiscences—reminiscences written at the earnest desire of my mother—intended chiefly for his grandchildren, never seen by his own eyes, heard by him

only as they fell from his own lips, and in the main never read to him for revision.

As many of my father's most vital memories clustered about the Civil War, they naturally led him into a discussion of its causes; and in this book, besides the narrative of my father's early life, will be found a continuous and succinct account of the growth of the anti-slavery sentiment.

In editing at the request of my mother these dictated writings, I have endeavored to verify all quotations and dates. It has been sometimes necessary to reconstruct sentences, to make a few transpositions and to insert a few explanatory notes; but nothing has been done that would interfere with my father's style or that would change the design he had in mind. Only, the deep longing remains—that he, himself, had been able to revise the work, and to bring it to that high degree of perfection which invariably characterized his finished literary efforts.

On examining a number of old letters I have found much relating to my father's boyhood some of which I have incorporated into the narrative. Throughout the work I have also scattered selections illustrative of the poet nature with which he was so generously endowed.

It has been thought fitting to add to this volume the Memorial read by Judge George C. Holt before the Association of the Bar of the City of New York, containing an account of the principal cases in which the Lawyer established and sustained his professional reputation. There have also been added the Memorials presented and read

before the Appellate Division of the Supreme Court, First Department, October 22, 1902, and before the United States District Court of the Southern District of New York, on behalf of the Admiralty Bar, October 28, 1902; and finally the address delivered March 20, 1911, by the Hon. Alton B. Parker, formerly Chief Judge of the Court of Appeals of the State of New York, on the occasion of the presentation of my father's portrait to that Court, and the response of Chief Judge Cullen thereto.

The editorial labor involved in publishing this "Retrospect" has been lightened by helpful suggestions from other members of the family and a few immediate friends, and has been one of mingled pain and happiness to us all—pain that came from the absence of him who alone could answer many questions arising in the prosecution of the work, and happiness in the deep satisfaction of being able to give to others what had been prepared for us by that vivid memory, brilliant intellect, and loving heart.

HARRIET ALLEN BUTLER.

"ROUND OAK," YONKERS, N. Y., *June* 7, 1911.

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A RETROSPECT OF FORTY YEARS

1825–1865

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INTRODUCTION

ENTERING this day, February 20, 1899, on my seventy-fifth year, and being by the blessing of Providence "of sound mind and memory," as testators have been in the habit of saying from time immemorial, "and under no restraint" save a somewhat impaired eyesight, it seems to me an opportune moment for beginning a narrative of some of the events of a long and busy life. I am moved to this more by calls, urgent and reiterated, from the voices of those nearest and dearest to me, than by any decided impulse of my own.

I believe it is Henri Rochefort, the Parisian journalist, who is credited with the cynical remark that when men become fit for nothing else they begin to write their reminiscences. This is an apt illustration of the old legal maxim "The greater the truth, the greater the libel"; for it is only old men who can have any considerable store of reminiscence, and it is only when they are disabled for the active pursuits of life that they can find solace and refuge in memory. It is often said that old men live in the past; but would it not be truer to say that the past

lives in them, so far as they revive its recollections and chronicle its events? Surely they ought not to be grudged this harmless monopoly of reminiscence.

Fortunately, perhaps, a safeguard against too much autobiography is found in the fact that so many personal memoirs, begun with good intent, are never carried to completion. "Here the manuscript ends," "cetera desunt," "the rest is wanting"—such are the legends that at the foot of the last autobiographic page cut short the thread of the personal narrative and leave the story of the life unfinished, unless traced by another hand than that which began it; and so the field of literature is strewn with the fragments of autobiographies. In view of this deterring fact, if my personal reminiscences were of any public concern or value, I might well take warning from an incident in my own experience.

On one of my last visits to Martin Van Buren, eighth president of the United States, at Lindenwald, his country home at Kinderhook, N. Y., he told me he had brought the rough draft of his autobiography to the date of his election to the presidency in 1836. I ventured to urge him to pause at this point and revise for publication what he had already written, saying to him that he was the hero of his own book, and having been elected to the presidency of the United States, that was a good place to leave himself. "But," said the ex-president, "I must vindicate my administration." I replied that there were many men who could do that, but no one except himself could properly complete the work of revising his

manuscript as it stood. I soon found, however, that my view could not prevail, and the result justified my apprehensions; for the autobiography was never finished.

In a sense, what the Bible is to the race, the record of every man's life is to himself, a revelation in which he may read the designs and dealings of Providence, his own human lapses and the divine deliverances.

The interest we take in our own lives is incommunicable. Only as they have been linked with other lives more potential than our own, can they have any special interest even to our kindred. In my present retrospective essay I have not the aid of diary or journal. Almost the only diaries I hold in esteem are those of that garrulous old worldling, Pepys, and of the stately and saintly John Evelyn. People who attach wonderful importance to everything said and done by the dispensers of power have for diary-keeping a motive which private persons lack. The daily notes of courtiers, officials, statesmen and other public functionaries, dealing with the conduct of affairs and the making of history, are, in some sort, annals of the times, and thus have a reason for existence.

Long ago I was impressed by the force of Robert Hall's recorded disapproval of the habit of keeping a diary, on the ground that it tempted to an artificial, insincere tone of expression.[1] This objection he made, I think, more particularly as to journals of personal experience, religious or other, but it is not without weight if generally applied. In conversation, in letter-writing, in narrative,

[1] Robert Hall, "Works," 1838 (Memoir by Dr. Gregory).

oral or written, there is the naturalness that belongs to dealing with men or things outside of our own personality; but when individual feeling, opinion and animadversion seek expression in the private pages of a diary, it is difficult for the writer to be fair and candid even with himself.

While my own life has been too uneventful and unimportant to justify any extended narrative, it has always been an active one, in touch more or less with current public affairs and the men concerned in shaping them. I may, therefore, be able in these pages to preserve some memorabilia serviceable for the gratification of my own passion for retrospection and for the preservation of some facts and incidents which otherwise would be forgotten or with difficulty recalled to mind.

Some time ago, while reading a volume of Horace Walpole's Letters, I came upon certain pages headed "Notes of My Life," written by himself for his friends, the Misses Berry, containing under date of successive years the leading events of his career, entered concisely, somewhat like items in a stated account of annual rents. My chance acquaintance with this summary of a life, more similar to a table of contents than to a sustained biography, has induced me to imitate Walpole's commendable example, and arrange my retrospective annals under the dates of the years to which they belong, regretting only that while following this method of Walpole, I cannot bring to my pages the vivacity and grace of that charming writer.[1]

[1] Although my father's original intention was to follow this chronological method of Walpole, he did not carry out the revision of his manuscript far enough for the editor to adhere strictly to this plan.—Ed.

One object which I hope to keep in view is tracing, step by step and year by year, the rise, progress, supremacy and destruction of the slave power in the United States—from the first alarm and outcry against any agitation in the free States of the question of slavery, either on the side of morality or politics, through the long and violent conflicts in Congress and at the polls, through the period of secession and of armed rebellion, to the Proclamation of Emancipation, and the downfall of the Confederacy at Appomattox. All these successive events I was able to watch, with the keenest interest, from no distant point of view, either in respect to the political struggle or to the fortunes of the Civil War. Notwithstanding all that has been written in history, narrative and biography touching slavery and its issues, I am inclined to think that the present generation of Americans is less informed about the growth of anti-slavery sentiment and the causes of its final strength in the struggle for the Union than about other and earlier periods of our national history. The downfall of slavery was like the cataclysm described in the Apocalypse, "as it were a great mountain cast into the sea"; the turbid waves of time engulfed it, and it disappeared finally and for ever. Nothing was left of the slave-holders' oligarchy but a few plantation melodies and some old-time negro dialect stories.

An intelligent English visitor to this country recently made a tour in the South, and fell in with a veteran who had outlived the Confederacy, and who had spent much of his old age in composing a history of the lost cause,

doubtless permeated with lamentation and woe. When the work was finished, the veteran told his English friend that he gave it to his son, a young man just entering on an active career, who, to the father's surprise, returned it unread, saying that all its contents must be a sealed book to him. The father was looking backward, the son forward. With the son, as with the great bulk of men born since 1861, whether in the North or in the South, slavery is a tradition, affording no satisfaction in the retrospect, and no inspiration for the future, and obscured by the later stirring events which have brought into being a national unity such as never before existed.

CHAPTER I

BIRTH—EARLY HOME—REVISED STATUTES AND REVISERS—STORY OF THE WONDERFUL HORSE—WILLIAM HOWARD ALLEN—HIS NAVAL CAREER, DEATH AND BURIAL—HALLECK'S COMMEMORATIVE POEM—MEDAD BUTLER—HIS ANCESTRY—KINDERHOOK LANDING—"THE HILL"—THE FRESHWATER SHAD.

THE house, No. 109 State Street,[1] Albany, N. Y., in which I was born, February 20, 1825, is of some interest to the legal profession. Within its walls, chiefly in the front basement, then the law office of my father, Benjamin Franklin Butler, was carried on, to a large extent, the preparation of "The Revised Statutes of the State of New York," one of the most important legal works of the nineteenth century. It was a novel, bold and successful attempt to bring the whole common law of England and all the existing colonial and State statutes affecting our commonwealth into a complete and systematic code, based upon scientific principles and sufficient for all the needs of government.

In an address delivered before the Bar Association of the City of New York, January 22, 1889, on the occasion

[1] The building still stands, but is no longer used as a private residence. On a near-by corner on State Street a bronze tablet has recently been placed with the inscription: STATE ST. FORMERLY YONKER, (OR GENTLEMAN ST.). It is a curious little coincidence that my father's life, of which so much was spent in the city of Yonkers, should have begun on a street of the name of Yonker.—ED.

of my presentation to it of portraits of the three revisers, my father, John Duer and John C. Spencer, I set forth the history of their work from its inception in 1824 to its completion in 1830. This address was afterward published under the auspices of the Association, with some additions and brief biographical sketches of the revisers, under the title of "The Revision of the Statutes of the State of New York and the Revisers." Were it possible to reproduce on these pages the tributes which came to me after the publication of this book from many of the most eminent judges and jurists of our country, they would bear out to the fullest extent the estimate I had expressed of the value and importance of the Revised Statutes. They became the model of the statute law of many of the States of the Union and remain today the groundwork of our existing system of statutory law.

I have referred at the outset to the Revised Statutes and its framers because they are associated with my earliest recollections. When I was about four years old my father and his co-workers, Messrs. Duer and Spencer, were in the habit of taking a brief respite from their labors in the latter part of the day for a cup of tea or other refreshments. Being the only son, although the fourth child, of my parents, I was made an exhibit in the course of their interlocutory proceedings, and was on very familiar terms with the grave codifiers who were my father's guests and to whom I imparted some strange information.

My father owned a saddle-horse named Diamond, who was the object of my unbounded childish admira-

tion. Either as the result of my imagination or, more likely, the experience of dreamland, I told the revisers in perfect simplicity of most extraordinary, preternatural and super-equine feats performed by this wonderful horse in my presence; amongst others, of his having mounted from the sidewalk of State Street up the front wall and over the roof of our house descending on Maiden Lane, the rear boundary of the premises. Nearly thirty years afterward my dim remembrance of these occasions was clarified in a somewhat startling way. I had just finished a long argument before the General Term of the New York Superior Court, of which at that time this same John Duer was Chief Justice. The old man—for such he had become—lingered a while after the adjournment of the court to chat with me and some other lawyers, and presently, calling their attention to myself, he said: "Would you believe it that this young man, when I first knew him, was one of the greatest liars who ever lived?" and then went on, fortunately for me, without a break to permit a damaging impression, to repeat my juvenile story of the exploits of Diamond. The fact that he had retained so vivid a recollection of my Munchausen tales shows that they must have been told with impressive effect.

I was named for my uncle William Howard Allen, the only brother of my mother, whose maiden name was Harriet Allen. Their parents, Howard and Lydia Allen, came from the island of Nantucket with the colony which settled at Hudson, N. Y., at the head of ship navigation

of the Hudson River. Their son, William Howard, born July 8, 1790, entered the United States Navy as a midshipman in 1808, was commissioned a lieutenant in 1813, and, entering at once on active service in the war with England, was made third in command of the sloop-of-war *Argus*. This vessel of only two hundred and sixty-eight tons was destined to achieve a great naval reputation in the short cruise on which she entered June 18, 1813, when she sailed from New York having on board William H. Crawford, our newly appointed Minister to France. By a singular coincidence the commander of the *Argus*, although no relation to my uncle, bore the name of William Henry Allen.

After a voyage of twenty-three days the vessel reached L'Orient, and, having refitted, went in search of prizes. Spears, the historian of our navy, says: "It was a short but brilliant cruise. The *Argus* sailed on July 14, 1813. Ship after ship was taken, some of them right under the cliffs of the British coast. Some were sunk and some were burned. A few of the more valuable were manned and sent to French ports. Indeed, so many prizes were taken that the crew became worn out with the work. The *Argus* was at sea but one month and yet twenty ships, valued at $2,500,000, were taken in that time."

On August 13, 1813, while the *Argus* was in the Irish Sea, she was attacked by the British brig *Pelican*, a war-vessel of four hundred and twenty-seven tons, which had just put into Cork three days before and hearing of the depredations of the Yankee cruiser, had sailed in search

of her. Notwithstanding the worn-out condition of his men Captain Allen immediately engaged the *Pelican* and one of the most notable sea-fights of the war followed. From five o'clock in the morning until after six o'clock in the evening the combat raged. Soon after six o'clock in the morning Captain Allen was struck by a ball which shattered one leg. The leg was amputated after he was carried below, and although he lived more than a month, he died from the effects of the wound in England, August 18, 1813. The command devolved on Lieutenant William H. Watson; but a few moments later a grape-shot struck his head and he was carried below unconscious. The command then fell to my uncle, William Howard Allen, and he maintained the unequal fight during the whole day until the *Argus* was rendered helpless, and she was surrendered, almost a complete wreck.

The surviving officers and men of the *Argus* were taken to England on the *Pelican*, where, as already mentioned, Captain Allen died. He was buried at Plymouth with high military honors, in recognition of his ability as a seaman and of his humane treatment of the prisoners he had taken during his last cruise. The inadequate honor was accorded him at home of having a street in the city of New York named for him—Allen Street—running from Division Street, northeast to Houston Street. My uncle, Lieutenant Allen, was detained at Ashburton as a prisoner of war until peace was proclaimed. He was afterward in service on the *Flambeau*, one of the vessels in the squadron of Commodore Decatur

on his famous cruise to the Mediterranean in 1815, signalized by the abject submission of the Dey of Algiers on the quarter-deck of the American commodore's flagship. The Dey acceded to all his demands for the protection of our commerce in the Mediterranean, and relinquished all pretensions to levy tribute on the property of American citizens or to reduce them to slavery.

In 1819 Lieutenant Allen made a cruise in the frigate *Congress* as second in command to the Chinese Sea, where this vessel, the first of her class which had ever visited those waters, excited the wonder and admiration of the natives. After these long years of service he at last obtained command of a vessel-of-war, the sloop *Alligator*, and was sent on the perilous mission of clearing the West Indian seas of the pirates who were plundering along the coast of Cuba, and, without let or hindrance from the weak Spanish Government, making depredations on our commerce and holding for ransom the prisoners they captured on our merchant-vessels.

The *Alligator* sailed from New York, August 3, 1822, and, after a three months' uneventful cruise, entered the port of Matanzas, November 9, 1822. As he was about to anchor, intelligence reached Lieutenant Allen that a gang of pirates had captured an American brig and schooner, and were holding their officers for a ransom of $7,000 in a neighboring bay about fifteen leagues from Matanzas. Without dropping anchor he at once gave chase to the pirates, and soon came up with their fleet, consisting of three small vessels with a hundred or more

men. One of them had the red flag nailed to her masthead. The prizes were at anchor near by. The pirates being in water too shallow for the *Alligator's* draft, her commander ordered the boats lowered, and taking charge of one of them continued the chase with oars, boarding and capturing one of the enemy's vessels. In the desperate encounter which ensued with the remaining vessels Lieutenant Allen received two musket-shots and was carried to the captured vessel, where he died. He was buried at Matanzas with military honors. In 1833 Congress, by resolution, ordered the removal of his remains to his native city of Hudson, where his fellow citizens received them with every tribute of respect and affection, and subsequently erected over his grave a handsome monument of white marble. The sash, sword and epaulets which he wore at the time of receiving his fatal wounds hang in my library at "Round Oak" and underneath them is the original commission appointing him a lieutenant in the navy, dated July 22, 1813, and signed by President Madison.

All the contemporary tributes to Lieutenant Allen's memory emphasize his filial devotion to his mother, an invalid during the latter part of her life, confined almost wholly to her bed, by the side of which her only son, in the intervals of his sea service, spent many hours of tender ministrations. He was her sole support, and she soon followed him to the grave. She died January 7, 1823. The statement of General James Grant Wilson in the "Life and Letters of Halleck" that she lived only a

few hours after hearing of her son's death is a mistake. Fitz-Greene Halleck, the poet, was a warm friend of my uncle. They were born on the same day—July 8, 1790. This coincidence strengthened the tie that united them in affectionate sympathy. Halleck's lines on the death of Lieutenant Allen, first printed in the *New York Evening Post* on December 4, 1822, are among the most beautiful productions of his versatile pen. I subjoin them here, not only because Halleck is not so much read as he once was, but chiefly because they seem to me a fitting close to the brief sketch I have given of the brave and noble life which they commemorate.

On the Death of Lieut. William Howard Allen of the American Navy

He has been mourned as brave men mourn the brave,
And wept as nations weep their cherished dead,
With bitter, but proud tears; and o'er his head
The eternal flowers whose root is in the grave,
The flowers of Fame, are beautiful and green;
And by his grave's side pilgrim feet have been,
And blessings, pure as men to martyrs give,
Have there been breathed by those he died to save.
—Pride of his country's banded chivalry,
His fame their hope, his name their battle-cry;
He lived as mothers wished their sons to live,
He died as fathers wish their sons to die.
If on the grief-worn cheek the hues of bliss,
Which fade when all we love is in the tomb,
Could ever know on earth a second bloom,
The memory of a gallant death like his
Would call them into being; but the few

Who as their friend, their brother, or their son,
His kind warm heart and gentle spirit knew,
Had long lived, hoped, and feared for him alone;
His voice their morning music, and his eye
The only starlight of their evening sky,
Till even the sun of happiness seemed dim,
And life's best joys were sorrows but with him;
And when, the burning bullet in his breast,
He dropt, like summer fruit from off the bough,
There was one heart that knew and lov'd him best—
It was a mother's—and is broken now.

In an address which I delivered May 15, 1877, on the occasion of the unveiling by President Hayes of the Halleck monument in Central Park, I referred to the above elegiac poem as kindred in spirit to the "Lycidas" of Milton. For this I was roundly scored by a newspaper critic of the day, but on perusing it after the lapse of many years I am not inclined to recant my encomium.

Halleck's friendship for my uncle was continued on my behalf. At the time of writing the poem just quoted, he was in the employ of Jacob Barker, the most noted member of the Nantucket family of that name, a shipping merchant in New York, of whom I shall have more to say hereafter. Halleck in later years was a confidential and trusted clerk of John Jacob Astor. On his retirement in 1849 he lived at Guilford, Conn., making occasional visits to New York, where I sometimes met him at Downing's oyster-cellar in the sub-basement of the building on the east side of Broad Street just below Wall Street, a famous rendezvous of the business men of that vicinity,

and there, over a narrow table and moderate repast, we held pleasant converse. He died November 19, 1867.

Although in my maturer years I gratefully appreciated the association of my own name with that of my uncle, William Howard Allen, it was in my early boyhood a source of grief to me that my parents had not given me the Christian name of my paternal grandfather—Medad. He was the third in lineal descent from Jonathan Butler, a settler at Saybrook, Conn., in the year 1724. His fourth son, Ezekiel Butler, married Mabel Jones, of Saybrook, a descendant of Colonel John Jones, one of the regicides beheaded October 17, 1660, who is said to have married for his second wife a sister of Oliver Cromwell.[1]

After naming their first two sons respectively Ezekiel and Elias, they found a name for my grandfather in Numbers 11:26 and christened him "Medad." The result of this whimsical choice was that no one of his numerous male descendants ever bore his Christian name. He was very fond of me and in the affectionate devotion which I returned to him I included an ardent wish to bear his name, carrying this preference so far, if I rightly remember, as occasionally to sign my name or at least indulge myself in writing it as a counterpart of his.[2]

[1] Colonel John Jones's first wife was Margaret Edwards. She died in 1651 and was the mother of all his children. He had no children by his second wife.—ED.

[2] A work which my father undertook as a labor of love for his entire family and which involved much arduous preparation was "The Book of the Family and Lineal Descendants of Medad Butler," which contains the names of all the descendants of his grandfather ingeniously classified according to generation and family, with details of parentage, age, marriages and deaths, down to the date of the publication of the book in 1887.—ED.

Much of my early life was spent with my grandfather at Kinderhook Landing, where he had come from Branford, Conn., in 1787. Before my birth he had procured the requisite authority to change the name of the place to "Stuyvesant," in honor of Peter Stuyvesant, the valorous governor of New York immortalized in Irving's "Knickerbocker." He built a modest homestead on the east side of the highway leading from Kinderhook Landing as originally settled, to the village of Kinderhook, five miles distant inland. This place was called by the villagers "The Hill," and in general parlance the definite article was also associated with my grandfather, who was known as "The Judge," he being for many years a county judge and in the latter part of his life the first judge of Columbia County.

"The Hill" was somewhat singular in situation. A sharp rise of ground from the highway was surmounted by a plateau on which the house stood facing the river, reached by flights of steps. Half-way up the ascent was a large oak tree affording a resting-place for the pedestrian. From the house a level roadway led to the northward and intersected the highway at the top of the hill; to the south were flower-beds and a vegetable garden. In the rear of the house the land again rose and was occupied by an apple orchard, one of the old-fashioned Columbia County style, which no cold of winter or drought of summer could ever injuriously affect. It yielded its annual supply regardless of these climatic conditions which in our degenerate days appear to be so fatal to fruit crops

in every part of the country. On the north side of the orchard a lane led up the hill to the eastern boundary of the place. From the house and every part of the garden there was a view of the river extending northward for several miles, and southward for a shorter distance but terminated in that direction by the range of the Catskill Mountains, which formed a most picturesque background.

The happiest recollections of my boyhood are associated with this quiet spot and the home life of my grandparents. At what was called the "Upper Landing," which had superseded the "Lower Landing" as a center of trade, there were warehouses and a line of barges for the transportation to New York of the produce of the interior of the county, which, before the building of the Hudson River Railroad, was exported by this means; and there was a good deal of business and bustle along the river-front. The post-office was a center of attraction, and the arrival of the mail furnished a mild excitement.

My grandfather was the "First Citizen" in the little village community, where his will and word were quite paramount and authoritative, and his actual magistracy potential in securing its good order. He was a man of striking figure, tall, erect and vigorous; a man of strong character and decided opinions. He was devoted to the care of his garden, which, like the apple orchard, seemed to be safe against all the vicissitudes of the seasons or the unfriendliness of nature, and was an unfailing source of supply from early spring to late autumn. This garden

was indispensable, because the market facilities of Stuyvesant were exceedingly limited, and the opportunities for securing fresh meat of any kind infrequent. On this account the shad season had a peculiar interest. At that time shad, which were of very fine quality, easily found their way in large numbers as far north as Stuyvesant.

I recall a story told of my grandfather in connection with this special subject which is characteristic of his sense of justice and the kind of grim humor he associated with it. There were on "The Hill" two perennial springs of pure water: one near the house, which gave a supply for all the ordinary uses of the family; the other lower down, not so commonly used. Drawing water from the latter spring one morning in the shad season, my grandfather perceived a strong fishy flavor in the usually pure water. Mistrusting the cause, he arose at an unusually early hour the next morning, went to the spring, and in its clear water found, suspended by a string, a large shad which had evidently been placed there overnight for preservation and cooling. Simultaneously my grandfather's neighbor appeared on the further side of the fence which separated his properties from "The Hill." Before he could say a word my grandfather called out to him that he had had a wonderful piece of luck and had actually caught a shad in his spring, holding it up in full view. The detected neighbor had not the courage to assert his right of property in the shad, well knowing that this would be conclusive proof that he had been guilty of a trespass,

and my grandfather walked home with his fish as lawful prize.

I have often regretted that it was not possible to retain this homestead, with all its delightful associations, in our family, but after the opening of the Hudson River Railroad the river traffic of Stuyvesant was quite destroyed. My grandparents' age and infirmities compelled them to leave the place and to live in their extreme old age in homes of their children, none of whom could by any possibility make a residence at "The Hill," and so it passed to new owners and went gradually to decay. My grandfather died in the city of New York, February 27, 1847, aged eighty-one, and my grandmother[1] at Stuyvesant, September 11, 1856, aged eighty-three.

[1] Medad Butler married, in 1794, at Kinderhook Landing, Hannah Tylee, daughter of Samuel Tylee and Hannah Emmons.

CHAPTER II

EDWARD C. DELAVAN—TEMPERANCE AND TOTAL ABSTINENCE—DELAVAN'S EXPIATORY LIBATION—DELAVAN HOUSE—A CONFERENCE ON TOTAL ABSTINENCE—THE SO-CALLED BEER TRIAL—WILLIAM B. SPRAGUE—ANECDOTES—ALBANY ACADEMY—DR. BULLIONS—GREENBUSH AND SCHODACK ACADEMY—CHOLERA EPIDEMIC—TRIP TO UTICA.

AMONG the men of note in Albany whom I knew when a boy and with whom my friendship continued during all their lives was Edward C. Delavan, known all the civilized world over as a foremost and persistent advocate of total abstinence and prohibition. It is stated in Appleton's "Cyclopedia of American Biography" that he was a wine-merchant. Whether he acquired his fortune in that business or by successful operations in real estate or other ventures, I do not know, but when as a boy I first became acquainted with him he had retired from business and was engaged in good works. He was then living on Washington Street, north of the Capitol, in one of the finest houses in Albany. In his earlier efforts for the promotion of temperance, in which he was associated with Dr. Eliphalet Nott, the president of Union College, my father coöperated with great vigor and zeal. The movement was directed against the use of ardent spirits as a beverage, a reform greatly needed, but nowhere more than in Albany, to which, as the capital of the State, the

legislature, the courts and the administrative offices drew citizens from all parts of the commonwealth.

A general indulgence in strong drink was one of the serious evils of the time. The temperance societies organized in connection with this good work were numerous and accomplished excellent results. Mr. Delavan, however, was not satisfied with what he considered only the first step in a radical reform, and he reached the conclusion that the scriptural rule of conduct for all right-minded Christian men was not temperance but total abstinence. As a practical and public attestation of the sincerity of his belief he one day took from his cellar all his fine wines and liquors, and, emptying bottle after bottle, poured their contents as an expiatory libation into the gutter of the street in front of his house, whence they flowed down the hill in the direction of the Capitol. From that day till his death, he was the unflinching foe of all intoxicants, denouncing their use even for the most sacred purposes, but was not always as successful as he meant to be in the enforcement of his principles.

When Mr. Delavan built the Delavan House, intended to be, as it soon became, the leading hotel in the State capital, he determined that no intoxicants should be permitted within its walls or served to its guests, and when he executed a long lease to the tenant who became the proprietor of the hotel, he took special pains to insert a prohibitory covenant to accomplish this object. He omitted, however, to include a provision for forfeiture in case of a breach of this covenant, and so when the tenant

soon afterward broke it by setting up a bar and supplying his guests with wine, ale and all other beverages common to ordinary hotels, Mr. Delavan's only remedy was an action for damages for the breach of the covenant. Inasmuch, however, as the tenant could easily prove that not only no damage ensued from his act, but the increased revenues of the hotel made the payment of the rent more secure, no damages, or at least, only nominal damages were recoverable; and so until the Delavan House sank into a shapeless mass of ruins under the blaze of a destructive fire in 1895, it stood as a memorial of the name, but in no sense of the principles, of its builder.

My father, while always most temperate even to abstinence, could not follow Mr. Delavan in his extreme views, and never adopted them. This was a source of great grief to Mr. Delavan, who in his endeavor to enlist my father in his new departure used all available means, including an article on the supposed Scriptural rule of abstinence, written by a certain English clergyman, named Edwin James. The argument was based in part on the statement that wherever wine was mentioned in Holy Writ it was always condemned, except when the unfermented juice of the grape was intended to be designated. The author of this article was the editor of the *Temperance Recorder*, published in Albany under Mr. Delavan's supervision.

Anticipating that an interview between Dr. James and my father would result in the latter's giving his adhesion to the dictum of total abstinence, Mr. Delavan arranged

for such a meeting. My father readily assented to the interview, but during the interval preceding it went through the Scriptures with a view to noting every instance in which, according to the authorized version, the word "wine" was used either with approval or with condemnation. I well remember his being engaged during some summer Sundays in the task. He was not a Hebrew scholar but his object in the compilation of texts was to enable him to test the accuracy of the statements in Dr. James's book by calling upon him to explain the meaning and use of the Hebrew word in the several texts from which my father had taken the English equivalent. Thus prepared for the conference with Dr. James, he met that gentleman with a result quite unexpected to him and to the friend who had brought them together. Mr. Delavan himself gave me an account of the interview many years after its occurrence, not, indeed, till after my father's death, and later, in 1866, at my request wrote the particulars of it which I give.

After speaking of the interest with which he had looked forward to the conference of "two learned Christian men" on this subject, he continued:

"I saw that if Dr. James could be sustained the cause would be placed on the most impregnable basis, on God's Word, and nothing could overthrow it.

"For some time it appeared that all things were going on smoothly to sustain Dr. James, but all at once your father read a text where 'Yayin' was introduced. 'Now tell me, Dr. James,' said your father, 'does Yayin *here*

mean intoxicating wine?' I saw at once my friend Dr. James appeared to be confused if not confounded. The blood rushed to his face and he declined to answer to your father's satisfaction, who at once rolled up his papers and left the office, and I have no doubt he then made up his mind we must look elsewhere than to the Bible as authority for total abstinence as a duty. I deeply regretted at the time that Dr. James had not been more candid and acknowledged that the text referred to by your father did appear to militate against his position and that he must examine still further into the question. But as this was not done, your father, I conclude, felt that Dr. James was unwilling to acknowledge an error, and that his position could not be sustained."

Mr. Delavan went on in his letter to claim that Dr. James's contention was substantially correct, although he failed to make it good on the occasion referred to, and that the "Christian world has been misled on the 'wine question' through the English translation of the Bible." In closing he said: "I once stated to you the substance of this letter, but I conclude this reminiscence of the past will not be uninteresting to you and I send it. I think the interview between Dr. James and your father at my office was a third of a century ago. I am, my dear sir, your friend, as I was your father's, Edward C. Delavan."

Albany society was stirred to its depths in the spring of 1840 by the so-called "Beer Trial" in a suit brought

against Mr. Delavan for libel by John Taylor, the proprietor of a great brewing establishment on the hill in the upper part of the city. Mr. Delavan became responsible for the statement made in the Albany *Evening Journal* in February, 1835, that the water which supplied Taylor's Brewery was taken from stagnant pools, gutters and ditches, and even often from puddles covered with filth, in which there were dead animals. For the publication of the alleged libelous charges Mr. Taylor claimed to recover $70,000 damages. Mr. Delavan accepted the challenge of the plaintiff, alleging the truth of the statements made in the *Evening Journal.*

At the trial the most eminent lawyers in Albany appeared for the respective parties. It was severely contested. Judge Cushman, before whom the case was tried, made an elaborate charge to the jury, in which he told them that the publications in question were calculated to do the plaintiff great injury in his business and character; that the defendant was proved to be a man of large wealth, a fact which the jury might take into consideration in deciding on the amount of their verdict should it be given for the plaintiff. He charged them, however, that if the defense had been made out to their satisfaction, the defendant would be entitled to a verdict, as any citizen is at liberty to publish the truth, especially as to facts which ought to be known to the community at large. After a consultation of about an hour, the jury rendered a verdict for the defendant, a great triumph for Mr. Delavan.

Another conspicuous figure in Albany life, always before me on Sundays and often on week-days, with whom I continued in close relations of friendship till his death, in 1876, was Dr. William B. Sprague, the pastor of the Second Presbyterian Church, in Chapel Street, where he preached for many years to a congregation which included very many of the worthiest and most influential citizens of Albany.

He was a very fluent writer, with a somewhat florid style, but always clear and forcible. He is known as an author by his work, "Annals of the American Pulpit," and many minor publications, his memorial sermons being very numerous. He was a man of rather impressive presence, very sensitive to public opinion or criticism, but strong in the defense of his own views and warm in his personal friendships. His deference to the supposed views of those of his fellow-citizens whom he respected, is illustrated by a story, which lingers in my memory, of a practical joke of which he was the victim. Some Albany wag had wagered or asserted that he could procure a petition signed by some prominent Albanians praying that Dr. Sprague be hanged, and the doctor himself would sign it. And according to the story the doctor did sign it, at sight of the respectable names appearing on the paper, without troubling himself to read its contents. Very likely this was an ancient joke adapted to a modern use, according to the immemorial usage of story-tellers. In my own reading I remember to have found the oft-repeated legend which tells how William the Conqueror

on landing in England stumbled and fell but, instantly grasping a handful of earth, rose to his feet exclaiming that he had taken the English soil in fee, related in almost identical terms by Suetonius of the first Cæsar.

A better-attested story of Dr. Sprague, and bearing an undoubted ear-mark of authenticity, is that after the birth of one of his younger sons he was for some time in doubt as to what name he should give him, and the matter, as usual in such cases, was a subject of family discussion. Late one evening the good doctor, who was a warm friend and great admirer of Ambrose Spencer, the Chief Justice of the Supreme Court of the State, knocked at the door of his eldest daughter, who had retired, and called out to her that he had decided on a name for her little brother, announcing that it was to be "Ambrose Spencer Sprague." A faint voice from within responded, "Father, think of the initials." The doctor retired and another name had to be discovered.[1]

Besides his pulpit and pastoral work and his literary labors, Dr. Sprague was an indefatigable collector of autographs. His activities in this direction covered both hemispheres and he accumulated a vast collection of valuable documents and letters, making it one of the best in the United States. While Dr. Sprague was also a warm friend of the temperance movement, he, too, parted company with Mr. Delavan on the question of total abstinence. He was a devoted friend of my father, at

[1] The "little brother" referred to, now a well-known lawyer practising in the city of New York, was finally named for Edward Everett, the famous orator and intimate friend of Dr. Sprague.—Ed.

whose funeral he delivered a most tender and beautiful eulogy.

The Albany Academy is one of the few ancient landmarks of the city that have not yet been removed. At an early age I was a pupil within its walls, and the instruction in Latin which my father had begun to give me when I was seven years old was continued by Doctor Bullions, a classical teacher of repute, author of several text-books, and vigorous with the use of the rattan, the infliction of which I escaped more by the reason of my tender years than by any proficiency in my studies.

[Although it is not mentioned in his reminiscences, we find from letters passing between his parents that in the spring of 1832 my father was sent to the Greenbush and Schodack Academy. He remained but a short time. His speedy return home may have been due to his extreme youth, which could not endure a separation from his family. We find his father writing to his mother about three weeks after the child had been sent away, "It grieves me to hear that our dear boy has suffered so much. He shall not stay where he is homesick. But it is best not to be too hasty in taking him away, lest a permanent injury should be done to him, as I suppose sooner or later he will be obliged to leave the parental wing and to inure himself to the pain of separation. As soon as I return (which I pray may be soon) we will go out to see the dear little fellow and do then what circumstances may require."

Circumstances did require my father's removal from the school, as about that time cholera broke out in Albany and my grandfather moved his family to the then famous Albany hotel, Congress Hall. All of this we learn from a letter written by the "dear little fellow" of seven to his aunt, Mrs. Nathan Chamberlin, then residing in Hudson:

ALBANY, *July* 21st, 1832

MY DEAR AUNT:

I suppose you enjoy yourself very much in Hudson, but I can assure you that we are very lonesome without you. We would be very glad indeed to see you.

The cholera, as I suppose you know, is making considerable havoc here. There has been to-day as some say 46 cases and 15 deaths; but there has been but 40 cases and 11 deaths reported. We are quite prisoners here, for we cannot go very far from the house for fear of this disease.

It is delightful up at Congress Hall; we have fine rooms, and every enjoyment we could wish for. Mr. H. sends his love and says if he leaves Albany on account of the cholera he will probably come to Hudson where he will have the pleasure of seeing you. That he is not married yet but hopes he will be at this time next year that is if he has good luck. Martin says that when he finds how much love he possesses he will give you half. He also says that when the weather gets cooler he will try to get down to Hudson if you do not make your appearance in this quarter before then, which he sincerely hopes you will. He wishes to be kindly remembered to your husband.

But I must go back to myself. I do not go to school at present. I went for a short time to the Greenbush and Schodack Academy, but Father took me away for he thought that in the present state of things it would be pleasanter to have me at home; neither do any of the rest of us attend school. Dr. Lacey has been married to Miss Smith who you remember Harriet and Mary went to school to. Dr. Lacey's family have removed to Pittsburg in Pennsylvania. They started on Thursday last. Several families have left town. Judge Vanderpoel's family have gone to Kinderhook.

We all send our love to you and our uncle. Believe me dear Aunt your

Affectionate Nephew

W. H. A. BUTLER.

In the summer of 1833 my father took what was doubtless his first journey of any consequence, when he and his sister Mary[1] accompanied their father on one of his frequent professional trips. This time it was a cause at Utica in which my grandfather's services were required, and as his sister had married Dr. Charles B. Coventry of that town it was arranged that the children should pay their relatives a visit while their father stayed at the still well-known Bagg's Hotel. At this period the journey from Albany to Utica took almost twenty-four hours, first by coach to Schenectady and then by canal to Utica.

My grandfather writes on July 3, 1833:—

"We had a pleasant ride to Schenectady. Although the weather was warm the carriage was not crowded and we got along extremely well. Whilst staying at Schenectady the heat seemed to increase with a constant progress, so that when we came to be stowed into the canal boat we soon found ourselves in a roasting condition. However, we made out to stand it pretty well, especially as we had the benefit of a change in the temperature toward evening. I could not but enjoy the sail along the beautiful valley of the Mohawk when I witnessed the gratification and enjoyment of our dear children. William thought the canal boat the pleasantest mode of travelling he had ever known,—and Mary was evidently pleased with the fine scenery through which we constantly passed. Both behaved extremely well, so that I had reason to be proud of their appearance and conduct.

"Will slept soundly but woke at break of day and immediately quit his bed to see the locks, etc., at Little Falls, some of which Mary had also an opportunity of seeing, though she did not rise so early as her brother.

"The heat was intense again yesterday morning, so that we were greatly relieved when the hour came to land at Utica. Finding that Dr. Coventry lived very near the canal, at the entrance of the village, I stopped with

[1] Afterward the wife of Daniel DeForest Lord.

the children and safely deposited them with their aunt before I went to Bagg's.

"We reached Utica at 12 o'clock and before one there came up a prodigiously severe rain storm, so that I could not but recollect the old remark which I have had so many occasions to reiterate, that Utica is the most rainy place in the State. . . .

"The boys have just begun to fire crackers, the liberty pole has been hoisted and the flag unfurled so that we are admonished that the 4th of July is approaching."

Two days later my father writes to his mother of the continued celebration and humorously mentions that "Day before yesterday (the fourth) I went to the First Presbyterian Church to hear some gentlemen speak among whom was Mr. B. F. Butler who made a very fine address."—Ed.]

CHAPTER III

OFFERS TO BENJAMIN F. BUTLER OF UNITED STATES SENATORSHIP AND STATE SUPREME COURT JUDGESHIP—HIS REFUSALS—BENCH AND BAR OF NEW YORK—COMMISSION FOR SETTLING BOUNDARY LINE BETWEEN NEW YORK AND NEW JERSEY—ALBANY REGENCY—VAN BUREN'S LETTER—UNITED STATES ATTORNEY-GENERALSHIP OFFERED TO BENJAMIN F. BUTLER—HIS ACCEPTANCE—TESTIMONIAL—CORRESPONDENCE.

I WELL remember the day in the latter part of 1833 when my father told us he had sold the house in State Street to Mr. Joel Rathbone, a leading merchant of Albany, and that we were to go to Washington and would probably never return to Albany. And so it proved. He had refused to consider the United States senatorship, although election by the legislature to this office had been urgently pressed upon him in 1833. He never would take any office except a purely professional one. Mr. Van Buren, in whose office my father had studied law, whose partner he became, and to whose business he had succeeded when his former chief entered the Cabinet of President Jackson in 1828 as Secretary of State, was very solicitous that my father should come to Washington and be identified with the administration.

But my parents, especially my mother, strongly objected to breaking up their home in Albany. My father had attained the highest rank in his profession and oc-

cupied a unique position as the foremost counsel in the Court of Errors, or more properly the Court for the Correction of Errors, as our court of last resort in this State was then termed. This is easily attested by the fact that in the session held in 1833 in New York, of the whole number of eighteen cases, reported in the eleventh volume of Wendell's Reports, he was counsel in nine and these of the first importance. In a home letter, written during his attendance at this term of the court, he says that he is glad to have an associate counsel in one of his many cases, as he fears the court will weary of continuously hearing arguments by himself.

His relations at this time to the bench and bar of the State were particularly agreeable. The means of access to the capital from remote and interior points, and, during the winter season, even from New York, were so inadequate in comparison with those now existing, that a journey to Albany was a serious affair. The employment of local counsel at the sessions of the courts held at Albany was far more frequent then than now, and of the practice thus created he enjoyed a very large share. His position in this regard was similar to that afterward enjoyed by Nicholas Hill, one of the brightest ornaments of the bar of this State, and its most conspicuous leader in the court of last resort.

Governor Marcy desired to appoint my father to the bench of the Supreme Court, as successor to Judge Sutherland, who had resigned his place on the bench owing to the inadequacy of the salary and accepted the more

lucrative office of clerk of the court. Chief Justice Savage, who presided in the court during the whole period of the revision and for six years after its completion, wrote my father a letter communicating the offer, and urging its acceptance in these words of warm personal friendship: "The office of judge, permit me to say, is one to which you are well adapted; and in which you can render as great service to your native State as in any other. It is one in which you will probably enjoy as much human happiness as any other, and in which you will have as much leisure for literary pursuits, perhaps, as in the duties of an arduous profession; and supposing you to have, as all members of the profession ought to have, a laudable ambition for an elevated standing as a jurist and scholar, in which of the walks of learning can you have a better field for the exercise of your powers? This is a subject on which I need not attempt to persuade you; you must act as your judgment directs. I will only remark further, that should you accept the office, there is every probability that in a few years at furthest you will preside over the court. And I need not inform you that, in my estimation, that station is as honorable as any in our State, and is surpassed by but few in the United States."

The Chief Justice, however, with the candor and fairness which characterized him, did not fail to point out to his friend that unless he already had money in his purse sufficient for his future wants, the judicial office was to be shunned. The want of a proper compensation for

his services had driven Judge Sutherland from the bench which he adorned, and the Chief Justice, referring to this circumstance, says, "The cause of that resignation is rather calculated to deter those who are most competent to fill the vacancy from accepting the station. Indeed, if a man wishes to be rich he should become so before he ascends the bench."

The meager pittance then allowed by the State to our Supreme Court judges was of itself a bar to the acceptance of judicial office by any man with a large family and an ample professional practice, and so the place on the bench was declined. Fortunately for the State, an incumbent was found so situated as to be able to accept the vacant seat, and endowed with rare judicial qualities. The long and conspicuous career of Samuel Nelson in the Supreme Court of the State, and afterward in the Supreme Court of the United States, was one of the most noted examples of eminence and fidelity in the annals of the American judiciary.

In February, 1833, Peter A. Jay and my father, both of New York, were appointed, with Theodore Frelinghuysen, of New Jersey, a commission to settle the controversy of half a century's duration as to the boundary line between the two States, a service resulting in the convention which has ever since controlled the jurisdiction and rights of these States as respects their boundary line.[1]

[1] The convention was dated September 16, 1833, and is found in the Sessions Laws of New York, 1834, p. 8. It was confirmed by Act of Congress, June 28, 1834, 4 Stat. at Large, 708, and has been construed several times by the Supreme

Meanwhile, repeated overtures came to my father from Washington, through Mr. Van Buren, looking to his acceptance of office in the administration of General Jackson. These were declined as often as they were renewed, until, in the great political struggle between the national administration and the Bank of the United States, the summons to Washington seemed so imperative that it could not be refused without apparently placing personal considerations above public duty.

Up to this time the whole tenor of his life had been undisturbed by any influence foreign to his position as a leader of the bar of his native State and to an active interest in the stirring public questions of the time. His friendship for Mr. Van Buren had kept him in close alliance with the political party of which his former partner was the acknowledged head, and in co-operation with Governor Marcy, Edwin Croswell, Azariah C. Flagg, Silas Wright, John A. Dix, and other leading public men of the capital, who, from their union in political action, had acquired the sobriquet of the "Albany Regency." They have been maligned as the prototype of machine politicians, but there never was a more groundless charge. They were associated not only for the promotion of party interest but mainly for the sake of the principles which their party represented. They reaped no pecuniary ad-

Court, one decision being as late as April, 1908, in the case of the Central Railroad Company of New Jersey *v.* Jersey City, 209 U. S. 473.

The Commissioners for New York were Benj. F. Butler, Peter Augustus Jay, and Henry Seymour. The Commissioners for New Jersey were Theodore Frelinghuysen, James Parker, and Lucius Q. C. Elmer.—Ed.

vantages for themselves from their combination touching public affairs.[1]

No one of them grew rich or advanced his personal fortune by his connection with the affairs of state. I believe that the unifying force which held them together and made them a power in the State, was the identity of their views as to the true principles of government and the duties imposed upon citizens. Their unselfish and undeviating personal regard for Mr. Van Buren was something remarkable and rare in political friendships.

[1] Referring to the appointments of State officers by Governor DeWitt Clinton during his second term of office from 1820 to 1823, DeAlva S. Alexander in his "Political History of the State of New York," published 1906, makes the following statement about the Albany Regency.—Ed.

"The appointment of Talcott, Marcy and Butler, changed the existing political system. Prior to their activity, the distribution of patronage depended largely upon the local boss. His needs determined the men who, regardless of their personal fitness, should be given office. But Talcott and his colleagues introduced new methods, with a higher standard of political morality, and a better system of party discipline. They refused to tolerate unworthy men, and when the little souls stormed and raged, their wise counsels silenced the selfish and staggered the boss. Gradually, their control of patronage and of the party's policy became so absolute that they were called the 'Albany Regency.' It was, at first, simply a name given them by Thurlow Weed; there was neither organization nor legal authority. Power came from their great ability and high purpose.

"The Albany Regency was destined to continue many years, and to number among its members men of character and great influence.

"But the men who organized the Regency, giving it power and the respect of the people, by refusing to do what their fine sense of honor did not approve, were Talcott, Marcy and Butler. It was as remarkable a trio as ever sat about a table.

"In the passing of these three great intellects there is something peculiarly touching. Talcott died suddenly at the early age of forty-five, leaving the members of the New York bar as sincere mourners. Butler, after the highest and purest living, died at fifty-nine [a mistake—it should be sixty-two], just as he landed in France to visit the scenes of which he had read and dreamed. Marcy, at sixty-two, having recently retired as President Pierce's Secretary of State, was found lifeless, lying upon his bed, book in hand. He had been reading, as he had read since childhood, whenever there came a lull in the demand for his wisdom, his counsel, and his friendship."

This high gift and faculty of attracting to himself, by strong ties of friendship, able and upright men has been well cited by one of his biographers[1] as a proof of the intrinsic worth of Mr. Van Buren's character.

To those persons who imagine that the possession of place and power is the chief aim of men who, by nature and association, are inclined to active participation in public affairs, I would commend the following letter of Mr. Van Buren to my father. It is a striking illustration of true and unselfish friendship, written at a moment when Mr. Van Buren was himself the subject of coarse ridicule and vituperation on the part of his political opponents, based on incessant charges of the selfish and sinister motives which men who envied him his success and plotted for his overthrow never wearied of imputing to him. It bears date Washington, November 8, 1833, and is as follows:

My Dear Sir:

I bespeak for the proposition I am about to make yours and Mrs. Butler's most deliberate consideration, before you conclude to reject it. I say Mrs. B.'s, because in whatever relates so essentially to your future welfare, she ought of right to be consulted; and she has on a former occasion shown herself so much wiser than we were, that it would be a positive injustice, to refuse to take her into counsel now.

The appointment of Mr. Daniel to the office of Attorney Genl. was published, by mistake, before his positive acceptance had been ascertained. He has been with us, and after a full and frank conversation with the President, has decided not to accept it. With the reasons

[1]Edward M. Shepard, "Martin Van Buren" (1899).

for that decision, which he came to with the greatest pain and reluctance, it is unnecessary, now, to trouble you. Mr. Daniel is a gentleman of the very highest character, and very respectable talents, but does not entertain that confidence in them which his friends think would be justifiable and there were urgent family and personal obstacles. The President thought, as I informed you, that he ought to go South for this appointment, and having in good faith done so, he will now regard the accidental circumstance of the publication of Mr. Daniel's appointment a fortunate incident, if it shall, as he hopes, enable him to bring into his cabinet, one, whom every member of it would be delighted to see here, and that is yourself. Before this had occurred, I would not myself have proposed it to you, had the matter been at my disposal. Now, I think it free from difficulty or objection. The President will with the greatest pleasure confer the appointment upon you, and I am as solicitous as I could possibly be upon any subject that you shall accept it. Independent of the public considerations which are amply sufficient to justify this solicitude, I feel that if not indispensable, (though extremely important), for the present, it is, in reference to a possible future, most fitting as it respects myself that you should be here in some such a situation. Not one word is necessary, I know, to satisfy you that I would not press my personal solicitude upon you, as I for the first time freely do, if I were not entirely satisfied, that what I ask of you will promote your own interests, and those of your family; or at the least that it will certainly not prejudice them. I think so in respect to all the points which, in such a case, arise for consideration, and I will briefly assign my reasons. Although, you will recollect, I readily concurred in your objection to taking the place of Senator, I have ever since been impressed with the belief that it was a sacrifice, which you might with propriety have made. I gave in to your views, partly because I feared that from your gentlemanly and pacific disposition, (although not wanting in spirit when its exhibition is necessary,) the

rough and tumble of the Senate might not please you; but principally, because I was apprehensive that it might affect the interests of your family in a pecuniary point of view. That now presented steers entirely clear of these objections, and has advantages which ought not to be lightly overlooked.

Although you are not the slave of mad ambition, you are, as you ought to be, tenacious of your professional standing. That cannot be *increased* at home, and can only be made *national*, by becoming identified with national concerns. Depend upon it, my dear sir, that this is so. The fact presses itself upon my observation almost daily, when I find how little is known, or cared, abroad, about you who are at the very top of the ladder at home. Mr. Wirt, Mr. Webster, Mr. Pinckney and Mr. Taney, although possessing the same talents, would not have gone beyond a passing observation, out of their own States, if they had not entered upon the national theatre. You recollect to have merely heard of Mr. Taney, whilst at the Washington Bar; now, although the same man, he is known and respected as a man of talents throughout the Union. The reason why it is so, it is unnecessary to go into; the fact is sufficient, and undeniable, that the great body of the people, will only look for the great men of the *Nation*, amongst those who are actually engaged in its service. Although you are too wise to be craving for a distinction of this sort, you are at the same time too wise to be indifferent to it. Providence has cut you out for its acquisition in this very place, and you have no right to turn back upon the occasion, which presents it to you, in so honorable, and entirely unexceptionable a manner. In a pecuniary point of view, it cannot, I deliberately think, be otherwise than beneficial. The salary is $4500, besides office, messenger, clerks, &c., and occasional compensation from the Government for services which do not necessarily appertain to the office. You can enter upon the business of the Supreme Court of the U. S. with advantages, which, if not immediately equal to those of Webster, (who makes his thousands

not to say tens of thousands by it), they very soon would be; and the President says it will be competent for you, without prejudice to the public interest, to attend the higher Courts at N. York and Albany. All previous Atty. Genls. who desired it have done so in respect to their own States. To the former place you will next season be able to go in 15 hours, and to the latter in a day and a night. What then is there to prevent you from increasing your provision for your children which I admit to be obligatory on you? Nothing, that I can see. You can live as cheap here as in N. York. Your manner of living can be regulated by your own taste, and as everybody knows that you are not a man of pleasure, or parade, nobody will gossip about you. By taking this course you will accomplish what you are all so anxious about, viz., that you can be more with your family than heretofore. The only exception need be, your visits to N. York, during the sittings of the Courts, when you can take your family with you, without stopping between this and N. Y.—especially, when the railroad, the making of which is now under full operation, is completed.

I recollect when the subject was before contingently discussed, and when you concluded that you could not take it,—that Mrs. Butler did not like the idea of bringing her daughters up here. Upon reflection, I think she will find that objection not so well founded as she then supposed. Mr. McLean, Mr. Taney, Mr. Woodbury and Gov. Cass, have each a houseful of little girls of the very finest character, and I am quite sure that the society for Mrs. B. and the children would be at least as good here, as in N. York; *and if she cannot possibly do without hearing something more upon the subject of temperance* she can count upon Gov. Cass as a never failing source. He has as much of the true spirit in him as Norton and Delavan combined, and Mr. Van Vechten and Courtland Van Rensselaer to boot. But to return from this digression, you must come. I tell you frankly that I have made up my mind so decidedly, that it is best for the public, for you and yours, for myself, and that you will prove so

useful and acceptable to the President, that I cannot think of a declination with composure. As you were willing in the exuberance of friendship to come with me in 1829, as *Under Secretary*, and give up the finest professional prospects man ever had, I shall think you must have undergone some strange metamorphosis, if you now refuse to come *into the Cabinet* with those professional prospects enhanced, instead of abandoned. This must in the first instance be strictly confined to Mr. and Mrs. Flagg, Croswell, Dix, and John,[1] with whom I wish you to advise. If contrary to my earnest hope you determine to decline not a word must be said upon the subject. If you act the wiser part, you may, as is usual in such cases, consult with your friends generally, after your mind is made up. I have not included the Gov.,[2] because he is I suppose busy with his message, but you may speak to him of course if you wish it. Tell Mrs. B. I shall never forgive her if she throws any obstacles in the way. I intend to be in N. York on Wednesday of next week, and hope you will meet me there.

It will, in case of acceptance be necessary that you should come down immediately, for a day or two only to sign some patents which are waiting the Atty. Gen'l's signature, and there is no authority to appoint an acting Atty. After that, you may return, and make your arrangements for the winter. If you conclude as you ought to do, I wish you would write at once to the President as he is very anxious to have the matter closed.

Remember me very kindly to Mrs. B. and the children, and believe me,

Very truly yours,

M. Van Buren.

To B. F. Butler, Esq.

P. S.—The President has read this letter and approves it. He does not write you himself because I have told him that that is not necessary at this time.

M. V. B.

[1] Probably John Van Buren, son of President Van Buren.—Ed.

[2] William Learned Marcy.—Ed.

The appeal thus made could not be withstood, and a letter was written to President Jackson, accepting the office of attorney-general, on the duties of which the new incumbent immediately entered.

The hold which my father had upon the community in which his lot had been cast, is shown by a letter written to him on his leaving Albany. It is dated November 26, 1833, and bears eighty-nine signatures, the names including many of the most eminent citizens of the State, familiar in its history as statesmen, judges, lawyers, divines, physicians, and men of note in various walks, and testifies to their estimate of his worth, their personal friendship, and their regret at losing him from their social circles and from active co-operation in the interests of the city.

[A number of letters still extant written chiefly by my father's parents during the eighteen months previous to their removal to Washington are of peculiar interest from both a public and personal aspect.

The references to political events evidence my grandfather's keen grasp of public questions, his friendly and professional relations with Mr. Van Buren, and his own keen legal acumen. But one is impressed not only with the strong intellectuality of the writer, but with his intense modesty, even humility, evidently the result of a deeply religious nature. The tender heart which suffers at the frequent separations from his beloved wife and dear children—separations necessitated by the many demands upon his professional services and the lack of travelling facilities—pours itself out in exquisite expressions of loving devotion and holy thought.

Life as it appears from these letters is very earnest, very serious, and every event must be sanctified; to all of which his wife responds with an added sense of delightful

humor, which, lacking in her husband, was perhaps one of her unceasing charms for him in their peculiarly happy married life. It is quite as evident from whom my father derived his profoundly spiritual reflectiveness as it is from whom he inherited his keen wit.—Ed.]

CHAPTER IV

JOURNEY TO WASHINGTON—ROBERTS VAUX—STORY OF FRANKLIN'S SAW-DUST PUDDING—THE SUPREME COURT—THE ROOM—THE JUDGES—WILLIAM WIRT—ANECDOTES—CALL ON GENERAL JACKSON—HIS APPEARANCE—WASHINGTON IN 1834—SOCIAL LIFE—TONE OF SOCIETY—EFFECT OF SLAVERY—MEMBERS OF CONGRESS—THE "SWALLOW-TAILED GENTRY"—FOREIGN MINISTRY—SCHOOL LIFE IN WASHINGTON—SCHOOL LIFE IN HUDSON—LAFAYETTE'S WIG.

OUR journey from New York required three days of travel. From New York to Philadelphia we came by the Camden and Amboy route, partly by rail and partly by water. In Philadelphia we stopped at Head's Hotel, a noted public house of the time, which has long since disappeared, and where, I remember, the proprietor took special pains for our comfort. A very pleasant evening spent at the home of Roberts Vaux, one of the worthiest of Friends and a foremost citizen of Philadelphia, remains with me as a delightful memory of our short stay in the City of Brotherly Love.[1]

[1] Amongst my grandfather's papers I find the following interesting account, written by Roberts Vaux at the request of Martin Van Buren, of the "saw-dust pudding supper" given by Benjamin Franklin, which substantiates a story but little known.—ED.

MY DEAR FRIEND:

In compliance with thy request I have written out the story of the saw-dust pudding supper given by Dr. Franklin to some of his friends about a century ago. Believe me always thy faithful and affectionate friend, ROBERTS VAUX.

Saratoga Springs, 8mo. 15, 1835.

To M. VAN BUREN, VICE PRESIDENT, U. S.

Soon after Franklin made his first visit to Philadelphia in 1723, he became acquainted with my grandfather. The foundation of a mutual confidence and

Another day's travel brought us to Baltimore, where Mr. Barnum, the proprietor of the hotel which made his name famous, also did his best in entertaining our party. That was a memorable evening when the stage-coach containing my father and mother and the five children pulled up with customary clatter and clang in front of Fuller's Hotel in Washington, then standing at the corner of Pennsylvania Avenue and Fourteenth Street, the site for many years occupied by Willard's old hotel and which has now been replaced by the "New Willard." The journey from Baltimore, now accomplished in less than

friendship was then laid, which endured through almost two-thirds of a century when death dissolved this long, and sincere attachment. They were born in the same year 1706, and so were several other members of the *Junto* which they formed in 1727 for the improvement of its associates in moral philosophy and political science. At that time there was but one newspaper in the Province, and Franklin's sagacious mind saw the need of another journal, to rectify public opinion, and disseminate principles, which he deemed essential to the general welfare. It was not however until 1736, that he succeeded in establishing his afterward far famed Pennsylvania *Gazette*, which distributed so much political and economical wisdom, to the People.—A printer himself by profession, but without funds, he was under the necessity of borrowing from two, or three of his friends, money to enable him to commence his labours.—He now rented a room in an obscure alley, where he opened his office and unassisted, composed, struck off, and distributed his paper.—The acute and youthful champion of human rights, soon began to notice with great freedom and force, some of the men and measures of the day, which no one before had the moral courage to arraign. This exhibition, produced a concussion in the primitive community, not less startling, than the shocks which were afterward imparted by his original experiments with the electric fluid.—My Grandfather, and Philip Sing, and Luke Morris and some other members of the Junto, who felt a deep interest in Franklin's success, hearing many complaints of the *tone* of his paragraphs, met one day to consider the propriety of advising him to be more moderate in that respect.—The consultation resulted in the appointment of two of them to administer a caution.—They found the editor with his sleeves rolled up, busy at his press, and on mentioning the purpose of their visit, he excused himself from want of time then, to hear them, but named an early evening when they and their constituents should take supper with him, and talk over the matter at leisure. On the appointed night they assembled at his house, and some time was spent in communi-

an hour, had consumed the entire day. At Washington the arrival of a member of the cabinet was an event stimulating Mr. Fuller and his whole staff to give us a warm welcome and make us at home in what to us were very novel surroundings. Two or three houses, originally built for private residences, fronting on Pennsylvania Avenue, had been annexed to the main hotel, and in one of these we lived during our first winter in Washington.

It seemed a long walk from Fuller's to the Capitol, whither my father took me with him very soon after we had become settled in our quarters. He led me into the

cating their opinions and views.—At length Franklin's wife made her appearance —she set out a table—covered it with a coarse tow cloth—placed a trencher and spoon and a penny porringer for each guest, and having deposited on one end of the simple board a large pudding, and on the other a stone pitcher, she retired.—The Philosopher now begged his friends to be seated.—To each he served a slice, and gave some water, and bid them enjoy themselves.—He supplied himself largely, and eat heartily; occasionally saying, "*Come gentlemen help yourselves, we have another pudding in the pot.*" But in vain they endeavored to dispose of their fare.—Finally they looked at one another, and toward their host, and were about to withdraw from the table; at this moment Franklin rose and said. "*I am happy to have your company and to listen to your suggestions —some of you have been my benefactors especially—your advice is well meant I know, but I cannot think with you in some respects. You see upon what humble food I can live, and he who can subsist upon Saw Dust Pudding*[1] *and Water, as can Benjamin Franklin, Printer, needs not the Patronage of any one.*" Hereupon they parted, cordially shaking hands; the advisers resolving as they walked home, never more to interfere with the intrepid editor.—

ROBERTS VAUX.

Saratoga Springs, 8mo. 15, 1835.

The substance of the foregoing anecdote, was related at a meeting of the Contributors of the Penna. Institution for the instruction of the Blind, just before that body went into an election for its officers, when the narrator was left out of the station of Vice President, solely on account of his political opinions, having shared a similar fate in almost all the benevolent and literary associations of his native City during the *reign of terror* created by the advocates of the Bank of the U. S.—

R. V.

[1] See "The Beginner's American History," by Montgomery, p. 86. "That kind of mush was then eaten only by very poor people; and because it was yellow and coarse, it was nicknamed 'sawdust pudding.'"—Ed.

Supreme Court Room, which was then in the basement of the north wing of the Capitol, the space now occupied by the Law Library. In the vestibule of this basement are certain marble pillars of grace and beauty, not now often noticed by visitors to the Capitol, who seldom enter at this point. Each column[1] consists of two rows of corn-stalks, one surmounting the other, the full-grown ears in the open corn-leaves forming the capitals. This is an adaptation of the classical Corinthian order, which, from an artistic point of view, may seem barbaric, but the effect of which, to my eye, has always been most pleasing, and to my mind most appropriate in associating the highest form of ancient art with a common product of our western continent. These columns flank the platform from which rises the marble circular staircase which, in 1833, and until wings were added to the Capitol, led to the Senate Chamber. This room is now occupied by the Supreme Court, which until 1860 was most inadequately housed in the basement, underneath the Senate—an arrangement wholly unjustifiable, unless, perhaps, by the idea that Justice should underlie Legislation.

On my first visit to the court my boyish attention was fastened upon the seven judges as they entered the room —seven being the number then composing the court. It was a procession of old men—for so they seemed to me —who halted on their way to the bench, each of them taking from a peg hanging on the side of the wall near the

[1] These columns are said to have been designed by Thomas Jefferson, with a special idea of Americanizing Greek art.—Ed.

entrance a black robe and donning it in full view of the assembled lawyers and other spectators. This somewhat extra-judicial act impressed me more than any subsequent proceeding of the court, and left a vivid picture in my memory. Long afterward, when I went to Washington to argue cases before the highest tribunal, contrasting the dignified formalities which attended the opening of the court at every session with the robing method which I have described, I began to think I must have been mistaken, and that I could not have seen Chief-Justice Marshall, Judge Story, and their associates[1] doing so informal a thing as putting on their robes after entering the court-room. One day after the adjournment of the court, Chief-Justice Taney stopped, as was oftentimes his habit, to exchange a word with me, and I seized the opportunity to ask him whether my recollection in this matter of the robing of the justices was correct or at fault. He said at once that I was quite right in my remembrance, and that until the court was moved upstairs, the judges always put on their robes in the court-room.

In the first part of his residence in Washington, my father was often accompanied in his walks to the court by William Wirt, one of the most conspicuous men of the time, who was living temporarily in Washington, in lodgings only a few doors from our hotel. I sometimes walked with them and listened to the talk by the way. Mr. Wirt had been a predecessor of my father in the office of attorney-

[1] The Supreme Court bench at that time consisted of Chief-Justice John Marshall and Associate Justices William Johnson, Gabriel Duvall, Joseph Story, Smith Thompson, John McLean, and Henry Baldwin.—Ed.

general, having been appointed by President Monroe in 1817 to succeed Richard Rush, who resigned to become minister to England. Mr. Wirt's term of service had been longer than that of any other incumbent of the office, and lasted until 1829, when he retired on General Jackson's accession to the Presidency.

A warm friendship existed between my father and Mr. Wirt. Their tastes and professional views were singularly alike. They were both Presbyterians, while they were widely apart in politics. Mr. Wirt had attained celebrity as an author, his "British Spy" and "Life of Patrick Henry" being American classics; while that part of his famous speech at the trial of Aaron Burr, with its descriptive episode of his home on the banks of the Ohio, beginning "Who is Blennerhasset?" rivaled, in the suffrages of school-boys, Mark Antony's eulogy of Cæsar and even Halleck's "Marco Bozzaris." He was brilliant and able as a lawyer, but somewhat erratic in his political views and associations. In 1832 he allowed his name to be used to lead a forlorn hope by accepting a nomination for the Presidency from a National Convention of the so-called "Anti-Masonic" Party. This political organization originated in the State of New York, and had sufficient strength to enlist supporters in many States; but so few were they in each locality that of the 286 electoral votes Mr. Wirt received only the seven which were cast by the State of Vermont.

In the early part of February, 1834, Mr. Wirt was taken ill, and it was made my duty to go every morning

to enquire as to his condition and report it at home. He rapidly grew worse and when I called on the 18th, he was near his end. He died at eleven o'clock that morning.

On a table in the drawing-room of my father's house in New York City, after we had removed from Washington, there stood a little box made of wood taken from the famous "Charter Oak" at Hartford, Conn. It enclosed, as a memento of William Wirt, a carefully folded paper containing a lock of his silver-white hair, a kind of souvenir more in vogue sixty years ago than to-day. At an evening reception, standing by this table in company with a young lady of great intelligence and education, a daughter of one of the most eminent clergymen in New York, I called her attention to the box, and after opening it I said: "This paper contains a lock of hair of William Wirt." She gave it a glance and then said: "And who was William Wirt?" Being a very young man, I was amazed and almost stupefied at such an exhibition of what seemed to me inexcusable ignorance; but the incident, casual as it was, taught me a lesson. I have never forgotten the emptiness of professional repute and even of literary or political fame. Here was a man at the head of his profession, of established literary reputation, and of such political prominence as to have been a presidential candidate, and yet an intelligent young woman, in the best society of the metropolis of the nation, was ignorant of even his name.

More interesting perhaps than my view of the Supreme Court was the first visit I paid, in company with my

father, to General Jackson at the White House. He received us in the large room on the second floor of the Executive Mansion at the northwest end, which was his customary abiding-place while president, and where his wife's Bible on the square table by which he was accustomed to sit and her portrait near the foot of his bed, were constantly in view. His name had been a household word to me from my earliest years, made especially familiar by the picturesque sobriquet of "Old Hickory." He was at this time at the very height of his popularity, having received 219 out of the 286 electoral votes cast in the presidential election of 1832, the popular vote having been 707,217 in his favor as against 583,281 for all his rivals in the candidacy.[1] Although hardly sixty-seven years old (having been born March 15, 1767), he seemed to me a very old man; and his gaunt and somewhat grim features told the story of exposure, frontier perils and the strife of arms, as well as of his many personal and political conflicts. His bristling hair rising from his forehead, his long face seamed with wrinkles, and the aspect of command and dominating will which were his prominent characteristics, made him a most impressive figure in my eyes. His manner was then, as it always was in social intercourse, most courteous and kind; to women and children he never was otherwise. The true Jackson, as I saw him then and afterward, was wholly unlike the Jackson of the Whig newspapers and caricaturists. My early recollections of him are less vivid than those of ten

[1] William G. Sumner, "Andrew Jackson" (1899), p. 321.

years later, when I saw him more intimately during a visit to the "Hermitage," in the spring of 1844, which I will chronicle in due course. But this first interview took a strong hold upon my memory and gratified my youthful longing to see, face to face, the hero of New Orleans. General Jackson's private secretary was his nephew, Major Andrew Donelson, whose wife presided over the household of the Executive Mansion. She was a beautiful woman and deservedly popular in Washington.

At that time Washington was a typical Southern city. Slavery existed in the District of Columbia, and Alexandria, a few miles distant from Washington, was an established slave-mart. No political party in 1834 dared to raise a protest against the existence and domination of the slave power in the District, although John Quincy Adams, who had taken his seat in Congress in December 1831, had signalized his entrance into that body, where he was to become for the next succeeding fifteen years the champion of the anti-slavery cause, by presenting "fifteen petitions signed numerously by citizens of Pennsylvania praying for the abolition of slavery and the slave trade in the District of Columbia." Even he, however, staunch advocate of liberty as he was, stated while moving the reference of these petitions to the Committee on the District of Columbia, that he should not support that part of the petition which prayed for the abolition in the District.

Slavery as a moral evil, especially when viewed in the clearer light which, in the fulness of time, dawned

upon our national horizon, was just as much a crime against humanity in 1834 as it was at the date of the Proclamation of Emancipation nearly thirty years later. But as a factor in the social life of the national capital, it seemed in 1834, in the general view, not only harmless but beneficial. Leading members and officers of the administration, senators and representatives in Congress, came from the Southern States bringing their household slaves with them, while those from the North were forced to hire for domestic service slaves belonging to residents of the District of Columbia, whose wages went to their masters. The South felt as secure in respect to its rights of property in slaves in the District of Columbia as in the Southern States. The North acquiesced, and the biographer of Mr. Adams says in reference to the petitions which he presented, that "these first stones were dropped into the pool without stirring a ripple on the surface," and he adds that "for about four years more we hear little in the Diary concerning slavery."

The prevailing tone of society in Washington was thus given by those of its members who represented the South and slavery. They brought with them the manners and customs of the Southern capitals and Southern plantation life. The open-handed hospitality of the Southern planter, whose servants were born in his house and swarmed about the guests who visited him from the North, intent on all the ministrations of service, secured for him an ascendency. Officers of the government and members of Congress who came from the North with

their wives and families, could not enter into competition in the rivalries of social life with men and women having at command such special resources. The Northern woman accustomed to doing the whole or a very large share of her own housekeeping, and hampered by the lack of adequate domestic service, had never enjoyed sufficient leisure from domestic cares to engage in that special cultivation of her mind which would fit her for insight into political affairs or enable her to use her social position as a means for advancing political interests. She was thus at a disadvantage as compared with her Southern sisters, and in proportion to her good sense was more than willing to yield to them the kind of precedence which they coveted and enjoyed. Nevertheless, I think the Northern woman somewhat resented the praises lavished upon the Southern slave-holders for their hospitality, claiming, as well she might, that an equal degree of that grace would be exhibited in New England and New York if their households could be furnished with an indefinite number of domestics working without wage and having a marketable value.

A prominent reason for the familiarity with public affairs which distinguished Southern women at Washington was the fact that with the whole slave-holding population of the South the question of their ancestral institution was largely one of property and of their continuing title to it. Every member of a family owning slaves by inheritance or other modes of acquisition early came to know that slavery had in this country become peculiar to

the South, as it had gradually disappeared from the North, and was confined to the States lying below what was called "Mason and Dixon's Line," and that while it was protected by supposed constitutional guarantees there was an element of uncertainty in the tenure by which it was held. Hence they were constantly on the alert to any word or act in any part of the country or in the private circles in which they moved, inimical to this right of property. The Southern ear was quick to catch and the Southern voice to resent the least sound which carried with it disapproval of slavery as a domestic institution in the States where it existed by law.

Thus it came about that while in the North the question of slavery interested, in the main, philanthropists and liberty-loving agitators, and did not at all enter into the pursuits of life, or the various means of earning money and acquiring property, in the South it created a community thoroughly compact and cemented together by the strong bond of common defense for the protection of property rights against what was considered lawless invasion. When slavery brought forth secession and rebellion, the Southern women, old and young, knew as well as the men that the failure of their cause meant the destruction of their property, which was to them their life.

In 1834 Washington seemed like a scattering village with a few large buildings breaking the monotony. The population, even when swelled during the sessions of Congress by an influx of senators and representatives,

and of the constituents who formed the lobbies of that day, was very small as compared with that of the present time. There were few railroads to aid the traveller who set out from any part of the country to reach the national capital. Of senators there were only forty-eight; of representatives two hundred and forty, while the permanent officers in the several departments were a handful as compared with those who to-day fill the vast buildings now replacing the modest brick structures which in 1834 stood on the four corners of the grounds adjoining the White House, and which were then deemed all-sufficient for the State, Treasury, War and Navy Departments.

The Washington of to-day,[1] with its smooth asphalt streets, its grand public buildings, its parks and statues and its fine private residences, gives little idea of the Washington of 1834, except as to space, being still what John Randolph called it, "a city of magnificent distances."

I have found in a recent life of Hannibal Hamlin[2] such a graphic description of the city, and of Congressional life and manners at a not much later date than that of my first acquaintance with it, that I am tempted to quote it here:

"Washington was not an inspiring spectacle. . . . It was a small, straggling, overgrown, and ill-kept city of twenty thousand inhabitants. The streets were full of grass and dirt. Cows were even pastured in some of the principal streets. The houses were cheerless-looking. Pennsylvania Avenue was paved with dust or mud, according to the weather that prevailed. On a windy

[1] 1899.

[2] Charles E. Hamlin, "The Life and Times of Hannibal Hamlin" (1899).

day immense clouds of dust swept over the street, sometimes making it hard for pedestrians to see their way. On a rainy day the avenue was a bank of thick, black mud. One of the few picturesque sights was the old Capitol. The Washington of that period was a disgrace. Few Congressmen brought their families to live with them, and it was the custom for them to club together, hire a house, and contract with the landlord or a caterer to provide the table. These clubs were called 'messes,' and they were more important and exclusive than the name would seem to imply. Many famous measures were planned at 'messes,' and their champions appointed. It was the invariable rule that no member of a 'mess' should invite an outsider to dinner without having obtained the permission of his associates. Strange to say refusal rarely gave offence.

"Congress was a more demonstrative and talkative body than the one which now assembles at Washington. Many members wore the old-fashioned swallow-tailed coat, and others the buff waistcoat. Mr. Hamlin adopted the former garment and wore it all the rest of his life. Although there was not that brilliant social atmosphere of to-day, yet in their polite intercourse the members of Congress were very ceremonious. The speeches were ornate, full of high-sounding periods, and, as a rule, very long. It was the closing period of a picturesque era—one full of extravagant talk and demonstration that preluded an approach of a time of violent action. There were still orators in Congress who regularly announced in their speeches their willingness to shed their blood on their country's altar, simply to gratify a weak fondness for playing on their own emotions. Personal habits were not as good as now. There was much drinking and card-playing. Public altercations were not infrequent. Personal allusions in debate were frequent. Duelling was still practised. Party feeling, too, was intense, and party discipline was rigid. There could not be much intercourse between the people of the various parts of the country, on account of the scant and ex-

pensive facilities of travel. Hence, provincialism and partisanship of a narrow kind were to a considerable extent the outcome of the order of things."

The swallow-tailed gentry, referred to in the above abstract, were very familiar figures in that part of my boyhood which was spent in Washington. They were conspicuous in the Capitol, on Pennsylvania Avenue, and in all circles of society. The lines of official and social etiquette were quite strictly drawn. The circle of society, enclosed in a narrower sphere, was not liable to unauthorized intrusions. The afternoon tea, which now serves as a kind of smokeless powder in official houses to disperse a large army of visitors without leaving any resultant unpleasant vapors, had not then been invented. Evening receptions, sometimes entirely conversational, sometimes expanded into dancing parties, were customary forms of entertainment outside of the conventional levees at the White House. At the evening receptions refreshments on a moderate scale were given, and I well remember a confectioner in Pennsylvania Avenue named "Kinchy" who enjoyed a monopoly in furnishing ices and other products of his skill in Washington, almost equalling that which was enjoyed in New York by "Contoit," whose ice-cream was the standard of perfection until superseded by what we were accustomed to call "Philadelphia ice-cream."

The leading foreign ministers accredited to our government during General Jackson's administration were great favorites in the social life of the capital. Mr.

Fox, the British Minister, a relative of Charles James Fox, the famous parliamentary leader and orator, was a man of ability, but also of some eccentricities. His preference for waiting before going in to dinner until the dishes were well cooled off, furnished a topic of gossip in Washington. Baron Von Roenne, who represented the kingdom of Prussia, was one of the most accomplished of jurists and publicists. A devoted friendship sprang up between him and my father. He was very highly esteemed in his own country, both in public and private life. I enjoyed his hospitality in Berlin in 1847. These foreign ministers were able to make a considerable display in the way of equipages and appointments, household and otherwise, the Russian Minister especially being credited with great possessions and vast wealth.

Our winters in Washington, up to and including 1837, were spent in various places of abode in different parts of the city. At one time we lived on the east side of President's (now Lafayette) Square, in a large brick house which was then managed as a boarding-house by a Mrs. Latimer. It was afterward occupied by Secretary Seward, and in it he narrowly escaped death at the hand of an assassin in April, 1865, on the night of the shooting of President Lincoln.[1] Later my father hired a house in the western part of the city toward the Potomac, a very pleasant residence.

[1] The house has long since been torn down and the Lafayette Opera House, now the Belasco Theater, was erected on its site.—Ed.

My schooling was at Georgetown, first in a school kept by a master named Hill, and afterward in another of which James McVean was the head.

Mr. McVean was a most accomplished teacher of Latin and Greek, and inspired me with a taste for the latter language, for which I have always been grateful to him. Although my regular readings in the Odyssey continued for some time after I graduated from college, they were at last superseded by other and more pressing occupations. I thus inevitably fell out of the rank of men who could read Greek after leaving college, and whom I once heard Emerson say in a lecture he could count on his fingers.

Between these two scholastic experiences and during a part of my father's term of office I was at school in Hudson, N. Y., under the Rev. Cyrus Huntington, having the advantage of being near my mother's elder sister, Lydia, to whom I was much attached. She had married Nathan Chamberlin, of Hudson, and lived near the school at which I boarded. In the latter part of his life, Mr. Chamberlin became blind, but not until after he had built in Allen Street a well-planned and well-constructed house, through every part of which he was able to find his way, notwithstanding his want of sight.

The only other sister of my mother, Mary Allen, born in 1800, married Robert J. Macy, a ship-master and the popular captain of one of the old line of Black Ball packets sailing between New York and Liverpool. He and

his wife were one of the handsomest couples to be met with anywhere, and, having spent some time in France, were proficient in their knowledge of the French language and manners. The story is told of my aunt Mary that on a visit which she paid to Lafayette, who was always exceedingly courteous to Americans, she said to him that she had a great favor to ask. He indicated that he would grant it; and she begged him for a lock of his hair. "Madame," said the general, "I wear a wig." But to show his willingness to meet her wishes he proposed to have the wig so far removed that if she could find any remaining natural hairs she was welcome to appropriate them to her own use. Accordingly a few clippings were secured which she took home, a great treasure, and divided with my mother, the quota of each sister being preserved in a ring. My uncle Robert's health failed and he died September 22, 1836, his widow surviving him until October 22, 1853. Neither of my aunts is represented by any descendants. The elder of them had no children, and the two sons of the younger died unmarried. One of these was the Rev. William Allen Macy, who went as a missionary to China and died there.

[To his educational experience at Georgetown my father often referred. Under his first master, Silas Hill, he studied for four months. At the end of that period Mr. Hill wrote a letter interesting, not only for what it says of my father's youthful mental promise, but for the comparatively insignificant charges, made at that time, for education.

WASHINGTON, *May* 19th, '34.

DEAR SIR:

By request, I have prepared Allen's Bill for Tuition etc., and as I have been unsuccessful in several attempts at an interview with yourself and Mrs. Butler, I take this opportunity to make a remark or two respecting him. His particular studies, and standing in his classes, you have seen in his weekly cards; and considering his age, that standing has been high, very high. As many studies have engaged his attention, and he has been urged forward in them as fast as appeared to us judicious. He has a mind of great vivacity and strength, and were I not addressing a Parent, I should predict much respecting his future course. Nor is this said through excess of partiality, or from a superficial acquaintance with the characteristics of his mind. As our number of Pupils is limited and two permanent Instructors are connected with the school, we make it our duty to weigh the minds committed to our charge, for the purpose of affording the best discipline. The performance of such a duty is the work of time, and we flatter ourselves, that were his continuance with us greater, his progress would be even more creditable. Undoubtedly, however, he will be exceedingly well situated in Albany for all purposes of intellectual and moral culture. I will only add that his deportment in general has been admirable. Should I again fail of the pleasure of an interview, Mr. and Mrs. Butler will accept the assurance of my respectful regards; and Allen, my kindest wishes for his happiness and usefulness.

SILAS H. HILL.

HON. B. F. BUTLER TO SILAS H. HILL—*Dr.*

To Tuition of Son from Jan'y 8th '34 to March 30th—One Quarter	$12.50
Stationery & Character Cards	1.00
Fuel	.88
2 Copy Books	.26
Latin Reader	.50
National Reader	.75
	$15.89

To Tuition, Stationery & Cards to May 21st,—7½ weeks	$8.45
Fuel	.34
History of U. States	.75
Copy Book	.13
	$25.56

WASHINGTON CITY, *May* 19th, 1834.

Received Payment
SILAS H. HILL.

Rev. James McVean, to whom my father refers as inspiring him with a love of the classics, was a Presbyterian minister, a graduate of Princeton College and at one time was elected to the chair of Greek at that college, but declined the offer. Mr. McVean taught school at Georgetown from 1822 to 1847, at which time the town of about 8,000 inhabitants was quite an educational center. The Georgetown School, the Monastery, the Lancastrian School and the McVean School drew scholars from different parts of the country especially from the South. My father's attendance at the Georgetown School necessitated exceptional physical as well as mental efforts on his part. This is not mentioned by him, but is evident from a letter written from Washington by one of his sisters during the winter of 1836, in which she says:

"William goes to Georgetown to school every day; it is a long walk, but every one concurs in saying it will be of great benefit to him. He was to have gone as a boarder, but Mrs. McVean thought she could not receive him, saying that if he came she would be obliged to have an additional servant on his account. Will was quite amused at the idea of their requiring another servant on his account."

From the school in Hudson, which my father attended for a few months in the winter of 1834–35, we find him, then in his eleventh year, writing encouragingly to his mother thus: "I wish you would give yourself no anxiety on my account, for I have everything that I wish and I am perfectly contented here and at present I see

nothing to prevent me from being so all winter." He goes on to say that he feels "blocked off entirely" from his family, as the river is frozen over; he wonders what keeps his father so long at Washington, and mentions that he is in the seventh book of Cæsar.

In another letter we find the hours of his school life so scheduled that he thinks "they have a good deal of time in the evening to play"—an opinion with which the present generation of school-boys would hardly agree. "We get up at six o'clock, come directly to the school-room, and study an hour; then we have breakfast and from that time until half past eight o'clock we can do what we please. At half past eight we come into school and remain there until twelve; from that time until half past one we do what we have a mind to; then we go to school and stay till half past five and then we are at liberty until nine o'clock." In winter an extra hour of sleep is allowed in the morning, for then, he says, in a letter written the previous December, "We get up about seven o'clock and have fifteen minutes to dress, we wash in the kitchen and have breakfast at half past seven o'clock"—and in the afternoon, "we come out at four, we have tea at half past five and after prayers we study our lessons for the next day in the school-room an hour after which we go to bed or sit up and read just as we please."—Ed.]

CHAPTER V

SLAVERY CONDITIONS AT NATIONAL CAPITAL—RESULTS OF COMPROMISES —HISTORICAL REVIEW OF INTRODUCTION OF SLAVERY INTO THE UNITED STATES—BIRTH AND GROWTH OF ABOLITION SENTIMENT—THE ORDINANCE OF 1787—COMPROMISES OF THE CONSTITUTION—RECOGNITION OF SLAVERY BY THE CONSTITUTION—FUGITIVE SLAVES —ABOLITION OF SLAVE-TRADE—LOUISIANA PURCHASE—MISSOURI COMPROMISE—LETTER OF JOHN FORSYTH TO VAN BUREN.

RECURRING to the incidents of our residence in Washington, and to the influence of slavery which marked its social and political conditions, it must be remembered that although there were as yet only faint indications of the storm which was destined to break upon the country in later years, slavery was thoroughly intrenched at Washington and in the national councils. In fact, its ascendency was the direct result of the advantages secured by it from the Compromises. The United States was never responsible for the introduction of slavery into the territories embraced within its borders. It had existed in the North American colonies as a part of the British colonial system. In the same year as that in which the *Mayflower* brought the Pilgrims to Plymouth Rock, namely, in August, 1619, twenty African slaves were landed from a Dutch ship at Jamestown, Va.[1] From that time until the Declaration of Independence

[1] Fiske, "Old Virginia and Her Neighbors," 1897 (1900), p. 179.

and the outbreak of the American Revolution, slavery, under the fostering care of the British Government, increased in the various colonies, until, in 1776, there were in the country about 500,000 persons of African descent, of whom only a few were free. Slavery, with its accompanying traffic in human beings, had been foisted upon the colonies and held them in its grasp, although efforts were made in some of the Northern and Eastern States for its suppression. Thus slavery was abolished in Vermont as early as 1777, and in Massachusetts in 1780. Pennsylvania in 1780 also passed an "Act of Gradual Abolition" by which the importation of slaves was prohibited and all persons born or brought into the State were made free. New Hampshire abolished slavery in 1784.

An Abolition Society was formed in New York in 1785, of which John Jay was president and Alexander Hamilton secretary. Similar societies were formed in Rhode Island and Connecticut in 1789 and 1790, in New Jersey in 1792, and others were also organized in Delaware, Maryland, and Virginia. In the last-named State, however, in 1785, Washington wrote to Lafayette that "petitions for the abolition of slavery . . . could scarcely obtain a hearing."[1]

After the treaty of peace, by which the independence of the United States was acknowledged, had been signed at Paris, November 30, 1782, the conflicting claims of the different colonies to the vast territory acquired by their successful revolution against British rule were amicably adjusted. At the Continental Congress, which met at

[1] Henry Wilson, "Rise and Fall of the Slave Power in America," pp. 20–26.

Annapolis on March 1, 1784, all lands northwest of the Ohio River, originally claimed by Virginia, were ceded to the United States. On July 13, 1787, Congress passed an act providing that in the territory northwest of the Ohio River there should be neither slavery nor involuntary servitude. It contained, however, a stipulation for the return to their owners of fugitive slaves coming into the territory. This famous ordinance, which insured freedom in Ohio, Indiana, Illinois, Michigan, and Wisconsin, was passed with only one vote in the negative.

The Southern colonies, in which the slave-trade had increased and the slaves multiplied, succeeded in protecting the institution of slavery not only within their original boundaries, but also in the territory embraced in the new States as they existed when the Constitution was adopted. Repeated efforts were made to procure the suspension and avoid the effect of the Ordinance of 1787. But when the convention to form the Constitution of the United States met in Philadelphia in May, 1787, slavery had already become an institution so interwoven with the social conditions of the Southern States, and property in those States had become so dependent upon slave labor, that the South presented a united front against any efforts on the part of the North to encroach upon its asserted rights. The people of the United States in their efforts to establish the Union under a Constitution which should preserve the rights of the several States and yet establish a supreme government exercising such powers as might be delegated to it by the several States, were thus confronted by a

problem for whose conditions they were not responsible and with which it was almost impossible to deal.

The Union could not be formed without the coöperation of the slave States, and as these States would not come into the Union without a sufficient guarantee for the recognition and protection of their property in slaves, there was only one alternative—to abandon the plan of union or make such concessions and compromises as would satisfy the South. Hence came what are called in our political history the "Compromises of the Constitution." They were directly in the teeth of the sweeping assertions of the Declaration of Independence upholding the doctrine that all men are created equal and are entitled to the inalienable rights of life, liberty, and the pursuit of happiness; and on purely moral considerations the North might well have stood then on the ground which it was forced to take seventy-four years later.

But at the time this was an impossibility. Even the most extreme emancipationists of a later date admit that the framers of the Constitution acted wisely.

The word "slavery" does not occur in the Constitution. I believe its exclusion was due to the objections of James Madison. The existence of slavery, however, in the slave-holding States and the rights conceded to these States in reference to it are recognized and guaranteed:

First, by the provision that in the basis of representation in Congress there should be included, in addition to the whole number of free persons, "three-fifths of all other persons."

Second, by the provision that "no person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due."

Third, by the provision that "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808."

This meant, in plain English, that the slave-trade should not be abolished until the end of the seventh year of the nineteenth century. These provisions constituted the earliest compromises on the question of slavery. They were not adopted without much debate and many misgivings on the part of Northern members of the convention. Gouverneur Morris, of New York, a determined opponent of slavery, well stated the situation when he said, "I am reduced to the dilemma of doing injustice to the Southern States or to human nature. I must do it to the former: I can never agree to give such encouragement to the slave-trade as would be given by allowing them the representation for their negroes." But the convention over which Washington presided and which included many of the ablest men who had taken part in the successful struggle for independence, not only adopted the Constitution with its concessions to the slave power, but was instrumental in procuring its ratification by the States.

Thus the newly organized nation started on its course as one of the powers of the world with the burden of slavery as a social and political institution imposed upon it by the government from which it had wrested its independence. It was in the position of an heir upon whom a rich inheritance had devolved, encumbered by a mortgage debt from which he could not redeem his estates and which he was powerless to discharge. The ink was scarcely dry on the parchment whereon the Constitution had been engrossed and signed, before the irrepressible conflict of slavery began. Outcry was raised in some quarters, pending the ratification of the Constitution by the States, against the compromises by which it dealt with the question of slavery, and within a year after the organization of the first Congress petitions began to pour in setting forth the evils of slavery and praying for congressional action for their abatement.

The Quakers were the first memorialists. Their petitions were laid on the table; and from that time onward, while the right of petition was insisted upon in both Houses, no action was ever taken by Congress looking to any interference with the right of any slave-holding State to hold slaves as property within the limits of its territory. This was all the Constitution secured to the South, except the right to recapture runaway slaves found in the free States. The Constitution was silent as to any right or claim on the part of the Southern slave-holders to carry their slaves with them as property into newly acquired territory. The Ordinance of 1787 was an exercise of the

powers of the Continental Congress to prohibit slavery north of the Ohio River, and there could be no question that a like right was vested in Congress by the Federal Constitution, one of its expressed powers being to admit new States into the Union and to make all needful rules and regulations respecting the territory belonging to the United States.

In the South, while the compromises of the Constitution were acceptable, extreme jealousy existed with regard to new acquisitions of territory, and a public sentiment there grew up demanding that the admission of new States should be so regulated as to secure the accession of a slave State for every free State that might gain entrance to the Union. This was so far acquiesced in by the North that it took the form of a tacit agreement and was acted upon for many years. Thus Vermont in 1791 and Kentucky in 1792, Tennessee in 1796 and Ohio in 1802, Louisiana in 1812 and Indiana in 1816, Mississippi in 1817 and Illinois in 1818 were respectively admitted, each an offset to the other so far as the question of slavery was concerned.

Southern opinion was also very sensitive on the subject of fugitive slaves. As early as 1795 a bill was introduced into the Senate, which passed both Houses with practical unanimity, giving effect to the constitutional provisions in aid of the recapture of runaways from their Southern masters; and while it called forth much indignation in the Northern States on the part of the friends of emancipation, it remained unaltered for nearly sixty years, during

which time repeated efforts were made by the South to add to its stringency. These were unsuccessful, however, until the Act of 1850, the "Fugitive Slave Law," superseded the earlier and comparatively ineffectual legislation upon this subject.

The abolition of the African slave-trade, which the Constitution precluded till the year 1808, was not accomplished without difficulty. Both North and South were guilty of complicity in carrying on this odious traffic; and the greed of the slave-traders and the cruelties of the "Middle Passage," as the voyage from Africa to the Western Continent was called, were increased by the very fact that the time was short in which the trade could be carried on. The debates in Congress on the bill prohibiting the slave-trade developed the violence peculiar to every contest involving the question of slavery. The apprehensions of the slave-holders that in prohibiting the foreign slave-trade Congress might go further and strike a blow at the domestic slave-trade gave vehemence and force to the presentation of the pro-slavery side of the issue. Congress passed the prohibitory act with comparative unanimity, notwithstanding the difference of opinion, which related more to form than substance, as far as the main purposes of the bill were concerned; and the various religious bodies and other friends of freedom in the North had a day of rejoicing when the foul blot of the African slave-trade was effaced from the civilization of America.

In the early years of the nineteenth century, Thomas Jefferson, then President of the United States, accom-

plished the purchase from France of Louisiana, a territory comprising what is now the entire States of Arkansas, Missouri, Iowa, Nebraska, North and South Dakota, parts of the States of Minnesota, Kansas, Colorado, Montana, Wyoming, Louisiana and Oklahoma, all of the Indian Territory. Congress divided this vast domain into two Territories by the thirty-third parallel of latitude, giving to that part which lay south the name of "Orleans" and to that which lay north of it "Louisiana." Later, in 1812, when Orleans was admitted as a State, it was called "Louisiana"; and the northern part of the purchase received the name of the "Missouri Territory."

In March, 1818, Missouri applied to Congress for admission to the Union as a State. No action was taken until the next session, when the petition was taken up in the House of Representatives. At once the question whether the Territory should be admitted as a slave State or a free State leaped to the front. An amendment to the bill providing that all persons born after the admission of the State should be free, and also providing for the gradual emancipation of persons then held as slaves, was opposed by Henry Clay, then Speaker of the House. This set the battle in array, which was to rage year in and year out in both Houses of Congress and throughout the whole country, in the deadly conflict between freedom and slavery.

Mr. Clay and those who sided with him took the ground that Congress was without power to prescribe any condition to the admission of Missouri as a State,

or to prevent slavery from existing there if the people so determined. Northern members struck the keynote of the movement against the aggression of the slave power by maintaining that Congress had full power to prohibit the introduction of slavery as a condition to the admission of the State. In the debate which followed, the extreme Southern representatives began their threats of a dissolution of the Union in case the North insisted upon excluding slavery from new territory. Finally a settlement was reached by which Maine, then applying for admission to the Union, unquestionably a free State, was admitted simultaneously with Missouri. The same bill contained a provision that in all the territory ceded by France to the United States north of 36° 30′ north latitude there should be neither slavery nor involuntary servitude. This adjustment passed into history as the "Missouri Compromise," and President Monroe signed the bill in March, 1820. Pending the long debate before its passage, Arkansas had been created a Territory without restriction as to slavery, and Missouri availed of the privilege of statehood conferred upon her by adopting a constitution not only forbidding the legislature from interfering with slavery, but requiring an enactment of laws prohibiting the immigration of free colored persons into the State. This reopened the struggle in Congress, but slavery triumphed and Missouri became a State August 10, 1821.

Henry Clay was largely instrumental in effecting the Missouri Compromise. His biographer, Carl Schurz, while disavowing the claim that Clay was the "father of

the Missouri Compromise," admits that the final result "was mainly due to Clay's zeal, perseverance, skill and the moving warmth of his personal appeals." Mr. Schurz continues: "He did not confine himself to speeches addressed to the House, but he went from man to man expostulating, beseeching, persuading, in his most winning way. Even his opponents in debate acknowledged, involuntarily sometimes, the impressive sincerity of his anxious entreaties. . . . Adams wrote in his journal that one of 'the greatest results of this conflict of three sessions' was 'to bring into full display the talents, resources and influence of Mr. Clay.' In newspapers and speeches he was praised as 'the great pacificator.' " [1]

Thus the compromises of the Convention of 1787 which secured the rights of the slave-holders in the Southern States were followed by the compromises of 1820 which secured to them the right of extending slavery to the new Territory of Arkansas and the new State of Missouri. But the outcome of the struggle was favorable to freedom. It established by a true interpretation of the Constitution that Congress had power to prohibit slavery in the Territories. President Monroe, before signing the bill which embodied the compromise, submitted to his Cabinet the question whether Congress had a constitutional right to prohibit slavery in a Territory. The unanimous answer of his Cabinet, which included John Quincy Adams, of Massachusetts, William H. Crawford, of Georgia, John C. Calhoun, of South Carolina, Smith

[1] Carl Schurz, "Henry Clay," vol. I, p. 193.

Thompson of New York and William Wirt, of Maryland, was in the affirmative.

The country rested securely on this second series of compromises, and all was tranquil in Washington and in Congress, so far as slavery was concerned, during the presidency of General Jackson, save as occasional outbursts of indignation came from Southern Senators and Representatives when anti-slavery petitions disturbed their tranquillity. At the same time there was a steady growth of anti-slavery sentiment at the North, and indignation was provoked at the South by an increasing volume of anti-slavery publications circulated at the North, and which, to a greater or less extent, occasionally found their way in the slave-holding communities.

A good illustration of the effect produced by these Northern efforts appears in a letter, which I found among my father's papers, written by John Forsyth, then a Senator from Georgia and a leading Southern Democrat, to Mr. Van Buren, then Vice-President, under date of August 5, 1835. This letter was doubtless sent to my father by Mr. Van Buren in order that he might do what he could to prevent the mischief of which Mr. Forsyth complained. It runs as follows:

My Dear Sir:

Your "Emancipators" and "Human-rights men," of New York are at work raising the devil through the whole Southern Country. You will see the Post-office in Charleston Harbor broken open and bonfires made of papers sent through the office. All parties unite to write to Postmaster Hagar, in fixed resolve to prevent the cir-

culation of those papers, the laws of the United States to the contrary notwithstanding. The effect of this state of excitement can be easily foretold; and unless the most decided steps are taken in New York, the present seat of the conspirators, to break them up, I should not be at all surprised at a decisive renewed movement to establish the Southern Confederacy.

Kendall has gone very far in his answer to Hagar, which yet will be put to other postmasters, and I have advised Hagar, confidentially, to send back everything of that sort received at his office to the fountain-head from which it issued. This course, if followed everywhere, will prevent the extensive circulation of the monies sent from New York but will not prevent the effect of the tolerance of the New York authorities and people of New York of the wretches who are scattering fire-brands from within her limits. Instead of mobbing the poor blacks, a little more mob discipline of the white incendiaries would be wholesome at home and abroad. I would have written the Governor to advise some ways and means to save the reputation and influence of the great city but I suppose he is philandering at some of the watering-places, and all I can do is to throw out this little paper kite to find out how the wind may be made to blow. A portion of the magician's skill is required in this matter be assured and the sooner you set the imps to work the better.

Truly yours, JOHN FORSYTH

Mr. Forsyth, who was afterward Secretary of State in Mr. Van Buren's Cabinet, was an easy-going, amiable man, a leader in his party, conservative and opposed to all extremes. He looked upon slavery as an institution protected by the Constitution and essential to the rights of the South and the security of the Union, but his letter exhibits the spirit of antagonism between freedom and slavery which was destined to outrun all his prognostications.

CHAPTER VI

WILLIAM LLOYD GARRISON—INCIDENT OF JOHN SMOTHERS—STORY OF THE COLORED DOOR-KEEPER—BUNKER'S MANSION HOUSE IN NEW YORK—AARON BURR—NEW YORK IN 1834—LETTER, 1838—MARTIN VAN BUREN—HIS CAREER—INAUGURATION AS PRESIDENT—BENJAMIN F. BUTLER'S RESIGNATION OF ATTORNEY-GENERALSHIP—LETTER OF FELIX GRUNDY.

THE most noted agitator in the cause of emancipation had made his appearance in Massachusetts in the person of William Lloyd Garrison, whose name will be perpetually linked with the progress of the anti-slavery sentiment of the North. In January, 1831, he began the publication of an abolitionist paper called *The Liberator*. He represented all that was most extreme and violent in hostility to slavery on the ground of humanity and religion, and devoted himself to the single purpose of its overthrow by every means. He anticipated John Brown by thirty years and threw himself into the struggle with a fanaticism equal to that of the martyr of Harper's Ferry.

The Liberator stirred the South into a fury. In Georgetown, in the District of Columbia, it was made a penal offence for any person of color to take a copy from the post-office. The penalty was a fine of twenty dollars or thirty days' imprisonment, with the alternative that if the offender was unable to pay the fine or the fees for im-

prisonment he should be sold into slavery for four months. In North Carolina, Garrison was indicted and in Georgia a reward of five thousand dollars was offered for his trial and conviction. All this now seems more ludicrous than serious, but gives a striking illustration of the impotent rage which then filled the minds of the Southern slaveholders against the Northern disturbers of their peace. Meanwhile, in spite of internal dissensions, recriminations and the violent oppositions of conservative and peaceably inclined people, the anti-slavery agitators at the North, by meetings, societies, conventions, publications and indefatigable agencies succeeded, within a comparatively few years after the first publication of *The Liberator*, in maintaining nearly two thousand organizations having altogether nearly two hundred thousand members.

Outside of the Abolitionists, some of whom appeared to take more interest in the colored people of the South than in their white brethren of the North, the color line was more strongly drawn at the North, in practical social contact, than at the South, where the slaves mingled freely with their masters and mistresses. I remember my great surprise when our faithful family servant,[1] John Smothers, by name, who always came North with us and never dreamed of availing of the privileges of what was called "The Underground Railroad" to Canada, went with me one night to Peel's Museum to see the performance of Monsieur Adrien, a famous prestidigitator, as he

[1] Doubtless employed by Benjamin F. Butler on the basis referred to on p. 55 *ante*.—ED.

would now be called. Arriving at the door of the hall, I was greatly shocked at finding that John would not be permitted to go in with me and was bitterly disappointed at the prospect of losing the enjoyment to which I had looked forward with great delight. The door-keeper was inexorable. The only place for my companion was up in the top gallery. Fortunately a gentleman, perceiving my predicament, volunteered to take me in with his party. To this John assented, and he rejoined me at the close of the performance.

While this incident greatly impressed me, a far more tragic occurrence had a much deeper effect in exciting in me an abhorrence of slavery as it showed itself close at hand in our Washington home. A colored man who had acquired his freedom was employed in one of the departments as a door-keeper and messenger. He belonged to that class in Washington which has always furnished competent attendants for the halls and corridors of the government buildings. He was trusted and respected by his superiors and had an excellent character for fidelity and intelligence. His wife was a slave girl whose master lived in Georgetown, District of Columbia, and the two children of the marriage, according to the immemorial law of slavery, partook of the condition of the mother, and, as her offspring, were the property of her master. The father had a small house and plot of land in Georgetown, and the little family were apparently in a very happy situation. Returning to his home one afternoon he found the fire burning on the hearth and the kettle hanging over

it, as usual, in preparation of the evening meal; but the place was empty. Neither wife nor children could be found. In a few minutes he learned the reason. His neighbors told him that, in his absence, they had been sold by their master to a Southern trader, who had taken them all to the slave pen at Alexandria. Frantic with grief and rage, he rushed back to Washington, told the pitiable tale to my father, who interested himself at once, and securing the aid of some other friends of the unfortunate man, furnished him with the money necessary to buy back his wife and children, and dispatched him late at night to Alexandria for their rescue. Filled with gratitude and hope he reached the slave pen, and there, to his horror, found his wife a raving maniac by the bodies of the two children, whom she had killed in her frenzy. She never knew how she became an infanticide. Years afterward, when in freedom and in her right mind, she came to our home in New York to see my mother, and said that her mind was a blank as to everything that had happened on that fatal night.

This was surely enough to make us all Abolitionists at heart, and such, I think, we all became. The very word "Abolitionist," however, at that time implied criminal aggression upon constituted human law and the divine order of things; and yet the instance I have given is only one of a thousand like it, exposed in later years to the gaze of the whole country in Charles Sumner's great speech on "The Barbarism of Slavery" and in the thrilling pages of "Uncle Tom's Cabin."

During my father's official life at Washington, he made migrations to the North every summer, spending part of the time in New York and a part at "The Hill" in Stuyvesant, and at some of the summer resorts. Washington was comparatively deserted during the summer months. Few members of the Cabinet remained there. President Van Buren had a cottage on the grounds of the United States Hotel at Saratoga, where he spent much of the summer and where the business of the Chief Executive of the nation was conveniently transacted. The immense machinery of the foreign and domestic affairs of the government, as it is now carried on, was then unknown. As for the Attorney-General, in the recess of the Supreme Court he had little to occupy him at the seat of government, and my father was able to come North and argue many cases in the courts of the State for clients whom he was still able to retain. In New York he sometimes stayed at Bunker's Mansion House in Broadway near the Battery. It was a type of hotel not now to be found—a spacious brick structure with ample halls, sitting-rooms, and upstairs bedchambers, in which its proprietors, of the best Nantucket stock, made their guests as comfortable as if they were within their own homes.

A select class of people availed themselves of these peculiar advantages, and Mrs. Bunker presided daily with dignity at a table around which a great many distinguished people gathered from time to time. It was in one of the parlors of the Mansion House that I remember seeing Aaron Burr, a dapper little old man with a round

head, entertaining two ladies. My mother had sent me in to take a look at him preparatory to giving me some account of his strange and eventful career, which had been fatally clouded by his killing Alexander Hamilton in a duel at Weehawken.

Close by the Mansion House and fronting on the Battery and Bowling Green were the fine residences of New York merchants. The first Presbyterian Church stood on the north side of Wall Street, just east of Broadway, across the street from Trinity Church, a short distance above which stood Grace Church, then, as now, numbering many leading Episcopalians in its congregation. Near at hand was the City Hotel, kept by Chester Jennings, a most popular host, who possessed what is said to be the royal faculty of remembering names and faces. Thus, at that time, much of the social life of New York was below the City Hall Park; but the city was extending beyond this limit. For a time it seemed as though the eastern portion, in the direction of Division Street, would become a fashionable center. Henry Rutgers maintained something of manorial state in a mansion which for many years was a landmark in that part of the city. He owned large tracts of land in the neighborhood, much of which was leased on favorable ground rents to tenants, many of whom built and occupied fine residences. But the tendency of the better social element was toward the west side, and the Rutgers region was abandoned to inferior uses, especially along Broadway and the side streets. The march of im-

provement was steady and rapid; and year by year, as we revisited the North, we found the great metropolis growing in size and beauty, although large spaces of unimproved property intervened between the buildings on either side of Broadway, and pigs still wandered in the streets.

[The following letter, written about this time from New York where he was a short time in school (probably the Grammar School of the New York University), shows my father's extraordinary maturity of thought, and is inserted here as an illustration of his early mental attainments. A few errors are retained just as they occurred.—Ed.]

"New York, *March* 3d, 1838.

My Dear Father:

It is Saturday and as I have not much of anything to do I take the opportunity to write you a few lines. I suppose you have by this time received Mother's letter requesting you to send on your Cicero for my use. We finished Sallust a few days ago, and are now reading Cicero's Oration against Cataline in fine style. I like it very much, although much more elegant and therefore harder, than the simple narrative of Jugurtha in Sallust. We read in Greek "Mythological dialogues" written by Lucan. They are highly amusing; and by the way many thanks to both Miss Kane and you for the kind present you sent by your last letter, they being mostly translations from Ovid they bring back to my mind many of the fables that I read with Mr. McVean, they were then very interesting but now they are still more so. Mother, Aunt Mary and Mag are now engaged in a disputation that you will be here tonight or soon, as you have said nothing about it in your letter to us I hope you *will* come.

What a horrid affair this murder[1] at Washington is, nothing occupies the mind of persons here but that

[1] The reference is to a duel between Jonathan Cilley, of Maine, and William J. Graves, of Kentucky, which took place at Bladensburg, Md., near Washington, on February 4, 1838.—Ed.

and it is on the lips of all. Mrs. Wise, Jones, Graves and Web are all condemned. Web and Wise appear to me as if this passage of Sallust in which Adherbal says of Jugurtha "Homo omnium quos terra sustinet sceleratissimus" might justly be quoted. I suppose great excitement prevails at Washington on the subject. Congress I see has taken upon itself to investigate the matter but it will not avail anything I suppose for every matter of this nature is out of the line which is marked out for Congress to observe as most say but I hope it will not be passed over in silence.

Write soon to me if you have any time but I hope soon to see your bodily shape.

Good bye!

W. H. A. Butler.[1]

In November, 1836, Mr. Van Buren was elected President of the United States by an electoral vote of 170 out of a total of 294. Of the other candidates, General Harrison received 73, Mr. Webster 14, and Mr. Hugh L. White, of Tennessee, 26. The popular vote showed a majority for Mr. Van Buren over all the other candidates of 24,893. This was the fitting culmination of a remarkable political career surpassing in continual success that of any other public man in New York. The first office held by Mr. Van Buren was that of Surrogate of his native county of Columbia in 1808. In 1813 he was elected a State Senator; in 1815 Attorney-General of New York; in 1821 United States Senator, resigning after his election as Governor in 1828. The latter office he in turn resigned to become Secretary of State in the Cabi-

[1] Until his admission to the bar in 1843 my father used his full name, William Howard Allen Butler, but at that time dropped the Howard as the signature was inconveniently long.—Ed.

net of Jackson. He was appointed Minister to England August 1, 1831; was elected Vice-President in 1832, and President in November, 1836. He was thus almost continuously in public life during a period of nearly thirty years, rising step by step to the highest office in the gift of the people. Besides filling these positions, he served with distinguished ability in the State Constitutional Convention of 1821 and was influential in shaping the organic law it gave to the State of New York. The rejection of his nomination as Minister to England by the Whig majority of the United States Senate can not be considered in any other light than one of his successes. It was a blunder on the part of his political opponents that paved the way to his election to the vice-presidency and made him the presiding officer of the body which had refused to confirm his nomination.

During all these years Mr. Van Buren had run the gauntlet of the coarse and malignant vituperation which the Whig press and partisans, while claiming for their party superior intelligence and respectability, were always using as a weapon of political warfare. His caution and circumspection in spoken and written declarations, a trait inherited from his Holland ancestry, were denounced as "non-committalism and duplicity." The sagacity he exercised in public affairs was condemned as "intrigue and cunning"; and his ascendency in the councils of his own party as "selfishness and greed of power." He was nicknamed "The Little Magician" and characterized as a fox. Meanwhile he was recognized by his able asso-

ciates at the bar and bench as a great lawyer; his party leadership was not only acquiesced in, but forced upon him, by his political coadjutors; the people of the State had made him governor and the people of the United States had made him president. His bitterest enemies found nothing to assail in his private life, and his integrity as a public officer was never attacked. His even temper and imperturbable kindness of nature were conspicuous traits of his character, cementing his personal and political friendships, and even in the arena of partisan strife were often damaging to his opponents.

All these things conspired to quicken the boyish enthusiasm with which I witnessed the inauguration ceremonies on the eastern portico of the Capitol on the 4th of March, 1837, saw Chief-Justice Taney administer the oath of office to the new President, and listened to the inaugural address.

The satisfaction of our home circle at the success with which the career of our honored friend of many years was crowned was wholly free from any elements of self-interest or advantage. Mr. Van Buren would gladly have made my father Secretary of State or placed at his disposal any office in the gift of the national Executive, but my father was impatient to take up his residence in the city of New York and there resume the practice of his profession. At the special request of his chief, he retained the office of Attorney-General until September 15, 1838, when his resignation was accepted by Mr. Van Buren in a letter in which the President wrote: "However deep

my regret at parting with you, I am nevertheless too well satisfied that justice to yourself and family requires the step on your part to hesitate in complying with your wishes." Before his retirement from office my father had already settled his family in New York and on his return to private life entered at once into active practice in that city.

[The following note shows the friendly relations existing between my grandfather, his successor and the President:

NASHVILLE, *July* 26th, 1838.

DEAR SIR:

I received yours of the 11th instant, some days since, and delayed an answer until I could give you one of a more satisfactory character than I was able to do at the time it was received. I thank you for the favorable opinion you entertain of my appointment as your successor—all I can say is, that I will try to deserve it—although I am conscious that I shall labor under some disadvantages of which others do not understand the extent as well as I do.

I shall feel under great obligations to you for bringing up the business of the office and clearing it of existing difficulties as to the cases in the Supreme Court—I hope your notes will be copious—this will be of more benefit to me than of trouble to you.

I spent day before yesterday at the Hermitage, the late President's health is reasonably good—he is now a member of the Presbyterian Church—and his mind and feelings are more calm and serene than I have ever known them—I presented your respects to him as requested in your letter—he spoke in the warmest terms of friendship of you, and requested me to return his best respects, when I wrote to you.

Our political affairs look better here,—Mr. Clay, I believe, cannot get the Tennessee vote—several important movements are on foot unfavorable to him, which I think will have the desired effect.

Mrs. Grundy's health is bad, so much so, that she will not go on to Washington with me—I wish to be there by the first of Sept. in order to supply my deficiency of information before it may be necessary to act.

Your friend,

FELIX GRUNDY.

Be so good as to forward the communications or notes respecting the suits by 1st of Sept.—F. GR.

To BENJ. F. BUTLER, ESQ.

I add here an extract from another letter dated March 28, 1837, recently published in "the First Forty Years of Washington Society," edited by Gaillard Hunt. The letter was written by Mrs. Samuel Harrison Smith and refers to the troubles of Mr. Pettrich, a German sculptor who was then seeking a professional engagement on the Capitol. Mrs. Smith writes:

"Mrs. Taylor and I are the most zealous suitors on his behalf. She with the Presd——, I with his bosom friend, Mr. Butler. I have written him two letters containing Mr. Pettrich's history, &c., Mrs. Butler came to see me in consequence, and seemed so tenderly interested, that I have great hopes, though she says Mr. B. can say nothing at present. . . . I think Mr. and Mrs. Butler will be his assisting friends, in case he does not get work, for they are the most benevolent people—sincere, zealous Christians. The more I know the better I like this lovely family. Most happy is Mr. Van B. in having such a friend and adviser."—ED.]

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CHAPTER VII

CHARLES BUTLER—VOYAGE TO EUROPE—DICKENS—LETTER HOME, 1838—PARIS—HOMEWARD VOYAGE INTERRUPTED—A "WELLER" ANECDOTE—TRIP TO IRELAND WITH JOHN VAN BUREN—ROME—POMPEII—EXTRACTS FROM JOURNAL—RETURN HOME.

MY uncle, Charles Butler, then also a resident of New York, who had been actively engaged in promoting the development of Chicago and other portions of the West, had become somewhat broken in health, and about this time was advised to make a voyage to Europe. He very kindly included me in his party, which consisted of himself, his wife and his son Ogden, a six-year-old boy. We sailed from New York for Liverpool in the packet ship *Pennsylvania*, commanded by Captain Smith, on July 7, 1838. "Going abroad" as a trip to Europe has been so long conventionally phrased, was at that time the privilege of very few Americans. Relatives and friends accompanied the outward-bound voyagers as far as Sandy Hook, where the leave-takings were measured not only by the sea space of separation, but also by the impossibility of communications except at intervals reckoned by months.

While life on an ocean-sailing packet in 1838 was the acme of enforced idleness, it had its advantages over the rapid steam passages of to-day in the longer time given

for the healthful influences of sea air, and the greater certainty of pleasant companionship. The best company was always to be found on the first-class ships, which then carried their passengers, usually in from twenty-four to thirty days from New York to Liverpool. Our ship's company on the *Pennsylvania* was no exception to the rule, and our twenty-one-days' passage was very like a pleasure excursion on a well-managed yacht.

I recall as one of our passengers a gentleman of intelligence and taste who had brought with him an entertaining book that had lately appeared and achieved an instant popularity. This was "Pickwick Papers" by "Boz." The owner of the *nom de plume* had not been disclosed as yet, although not long afterward the mystery was solved as chronicled in the quatrain:

"Who the Dickens Boz could be
Puzzled many a learned elf,
Till "Boz" at last turned out to be
Who but the very Dickens' self."

One day, our friend who was the fortunate possessor of the "Pickwick Papers" called special attention to the descriptive powers of the author, evinced, most graphically, as he thought, in the opening sentences of the fifth chapter where Mr. Pickwick is described as leaning "over the balustrades of Rochester Bridge contemplating nature, and waiting for breakfast." It is indeed a charming bit of pen-painting of the quaint old city and its surroundings. Of course my friend was wholly ignorant of

the associations which endeared the old city to Dickens and which influenced him in choosing it for his home; and I have always thought that the selection of that particular passage as an instance of his power as a writer was a genuine tribute to the genius of Dickens before his name was known in the world of letters.[1]

Arriving at Liverpool on July 28, I thought the old Adelphi Hotel, then the favorite resort of all American visitors to that port, the most delightful resting place imaginable for a wave-tossed wanderer. In London I was present at a Sunday morning service at the Royal Chapel of St. James, and had a good opportunity of seeing the youthful Queen, who had just entered upon what was to be her long and eventful reign.

[The lad of thirteen wrote to his parents a long letter on his impressions of England, which it seems appropriate to introduce in its entirety, without correction, in a

[1] My father also was always keenly appreciative of Dickens' genius and never failed in his enjoyment of the "Pickwick Papers."

Of the visit which the author made four years later to America my father once wrote:

"I am reminded of Dickens' first visit to the United States in 1842. I went with my father and mother to an evening entertainment given by Mr. Bryant to Dickens and his wife. Probably his experience on this occasion, quite memorable for me, was described, in kind at least, in a letter to Forster his subsequent biographer, in which he says: 'I go to a party in the evening and am so enclosed and hemmed about by people, stand where I will, that I am exhausted for want of air.' I presume I did my small share of the enclosing and hemming about process, for naturally I had the eager curiosity of a youth who had devoured the Pickwick Papers, and everything else that Dickens had written since their publication, to see and hear the great novelist. All that I can now recall of his words that evening are a few which expressed his observation of the different style in which oysters were served in Boston and New York respectively. In the former city he had seen the oysters scolloped, in the latter city they were stewed!"—Ed.

chronicle of his reminiscences intended especially for his grandchildren.—Ed.]

Brighton, *August* 25th, 1838.

My Dear Parents:

I believe that my last letter was dated from London, since that time I have seen a great deal of the Southern part of England and also the Isle of Wight. But before I mention anything else I must tell you what I saw at London a day or two before we left. On thursday (16) the Queen went in person to prorogue Parliament and of course I went in person to see her go for we could not obtain admission without an order from the Lord high Chancellor. It was the most splendid pageant I ever beheld. I got down too late to see her go, but Uncle Charles and Aunt Eliza having gone before me, did. She was in a state coach drawn by eight cream colored horses. This carriage is a most splendid affair and cost 7000 pounds sterling upwards of 30,000 dollars. It was built 70 years ago from a very curious design, the body of the coach is borne by four tritons, two carry the coachman on their shoulders, who puts his feet on a scallop shell with sea plants growing around it, these tritons are represented as blowing horns to announce the approach of the Monarch of the Ocean. The pole is a cluster of spears, the roof of the carriage is upheld by four palm trees and on the top stand three boys intended for the three Kingdoms, England, Ireland and Scotland, bearing up the crown, from which wreaths of laurel fall to the four corners of the roof. The Queen's carriage was preceeded by five others, containing her attendants etc., all drawn by six horses. After these came her 'little Majesty' in the above mentioned vehicle, she was accompanied by the Countess of Sutherland (said to be the most beautiful woman in Court), and a gentleman whose name I did not learn. The Queen looked quite pretty, she is indeed a very sweet looking amiable sort of a girl, quite short, (about my height as I have been told several times,) fair complexion etc., etc. On Saturday (18) we

left London for Windsor where we of course visited the Castle. As the Queen was expected very shortly we were not allowed to see the private apartments, but were admitted to the State apartments, which are splendidly and *regally* furnished. We went to Eton College, about a mile from Windsor where we saw its library containing 20,000 volumes. From Windsor we went to a little place called Virginia Water, which was a favorite residence of George IV in summer and which he adorned in a beautiful manner. This monarch certainly had a most exquisite taste, if we may judge from his decorations of this beautiful spot, they are all in taste and have the appearance of natural beauty rather than artificial. From this place we proceeded to South Hampton situated on an arm of the sea in the County of Hampshire. This place is not one of much interest except on account of an old Abbey situated about 3 miles from it which was erected during the reign of Henry III and destroyed by Henry VIII. This is a beautiful and romantic spot, completely in ruins, and most magnificent ruins they are, it is called 'Nettly Abbey.' We crossed from S. Hampton over to Lymington a town situated on the sea coast and from thence to Yarmouth (Isle of Wight). Nothing remarkable there. Thence to New Port which is the chief town on the island. Not far from here was Carisbrooke Castle, the place where the unfortunate Charles I was confined before his execution. It is now in ruins, but the window where Charles attempted to escape is still shown. The well is 300 feet deep and is the same which was there when the Castle was built. Water is drawn up by means of a donkey. We went from thence to *Black Gang Chine* which is a wild and romantic spot. The meaning of the name Black Gang we could not discover, the Chine is a vast chasm in the rocks. On the shore it extends quite far back and has a very forbidding appearance, it was on this coast that the ship Clarendon was wrecked. We spent the night at the 'Sand Rock' Hotel not far from the Chine, which is quite a fashionable resort, it is something I should think like Rockaway near New York.

The next day we completed our journey and formed almost the complete circuit of the island. At Brading we saw the house where Leigh Richmond formerly resided, and the church (the oldest in the Kingdom) where he formerly preached, also in the church yard the tomb of the 'Young Cottager.' On Friday afternoon we came from the isle of Wight and crossed to Portsmouth intending to take the Havre Packet to France but found that none would sail until Monday so after seeing what we could of this place which is only remarkable as a naval station we engaged places in the coach to Brighton and on Saturday morning started for that place, unfortunately it rained all the time we were coming which rendered our situation on the top of the coach very unpleasant. They construct their coaches here very differently from what you do, having only seats for 4 inside and for 8 or 12 outside, the outside is much the pleasantest on a clear day but when it rains you can easily imagine its comfort. We got to Brighton safely, however, and are here now Monday Aug. 27 1838.

This is a beautiful place the houses are more elegant than in any place I have been in. Most of them boarding houses as Brighton has but few inhabitants of its own. We are at the 'Old Ship Hotel' rather a singular name but a very comfortable house. We shall remain here probably until Wednesday morning when we start for France embarking for Dieppe—thence to Paris—

Tell Hatty that I received her letter and yours safely and was very much gratified to see that she was so thoughtful and good as to 'leave the breakfast table' and write to me and I hope the other girls will make the same sacrifice not excepting Lizzy. Of course I shall hear from Ben without his being told. I saw John Van Buren in London, he is quite a lion there as they consider him the 'heir apparent' he has been presented to the Queen and had the pleasure of speaking to her etc. Mr. Tudor has gone off to Hungary and therefore I cannot expect to see him. Tell Miss Murray (Mag) if you see her that I have not yet seen her sister but will perhaps in Paris.

When this letter reaches you, you will not perhaps be in New York. If you are at Stuyvesant give my love to Grand Pa, Grand Ma and all. I do not know how we shall return, Aunt Eliza does not like steamships and so I suppose we shall have to cross in the old way. The idea of going back so is very *shocking* to me but I hope that as it will be going *home* I shall not think so much of it. Uncle Charles is much better than he was and seems to improve very much. I do not see how any one can help being healthy in such a place as this, the sea air is so invigorating and healthy, it is a great place for invalids. I see by the papers that there has been quite a fire at New York. This is all the news I can find with the exception of the death of Comrde. Rogers which I noticed. We shall go back to London after our return to Paris, where I will write you again if I can. I shall not be able to in France as we will go in such a hurry and be so much occupied in seeing that it will take all my time. There is a great Cricket match to day here at the 'Royal Cricket Grounds' and I shall go and see it I believe. There never were such people as the English for amusements, Horse races, Regattas, Cricket Matches, Hunts and all kinds of sports in the open air, are constantly set on foot.

Give my love to all, I am very anxious to see you all although not exactly '*home sick*' and am looking forward to the time when we shall again meet with great pleasure. I hope my dear parents that I shall profit by all I see, not only in a temporal but also in a spiritual point of view and that as I am separated from you I may throw myself more upon the guidance and assistance of my heavenly father.

Your dutiful and affectionate son,

W. H. A. Butler.

B. F. Butler, Esq.,
New York.

P. S.—To my dear little sister Lizzy.

My dear Lizzy—Brother Willy wants to see little sister very much indeed and doesn't know what he shall

do without her. Brother Willy is a great way off from Lizzy and has sailed in that great ship which Lizzy saw. Brother Willy has seen a great many things and a great many pretty little girls but he hasn't seen any little girl so pretty as his dear little sister Lizzy. Cousin Oggy is with Brother Willy and Cousin Oggy is riding on a donkey now, a donkey is a little animal smaller than a little pony and Cousin Oggy is on a little brown donkey and a boy has got a stick and is driving the donkey and Cousin Oggy sits on the donkey's back. Brother Willy hopes that Lizzy will write him a long letter and tell him how she is and Brother Willy hopes to come home very soon and see his dear papa and mama and brother Benny and sisters and his dear little sister Lizzy.

Your affectionate brother WILLY.

To Miss Lizzy Butler.

In Paris we were kindly entertained by General Cass, who, as Secretary of War, had been a close associate in General Jackson's Cabinet, with my father, who was appointed to succeed him for the interval between his retirement in the fall of 1836 and the 4th of March 1837. The duties of Attorney-General and Secretary of War had been simultaneously discharged by my father in order to relieve General Jackson of the necessity of bringing into the Cabinet a new member within a few months of the expiration of his presidency.

My uncle's health not being fully restored, he determined to remain in Europe and spend the winter in Italy, arranging for my return home in company with and under the care of John Van Buren, son of the President, with whom I embarked at Liverpool in the steamer *Liverpool*,

one of the earliest of the English transatlanic steamers. Soon after leaving the Channel we encountered heavy head-winds and seas against which the vessel made very slow progress. I was in a state of abject wretchedness, occupying the top berth in a state-room in which my companion was a little old Englishman, who, like the immortal Wellers, had a persistent habit of pronouncing W in place of V, and vice versa. But for my companionship on shipboard with him I should never have believed that Dickens had drawn the peculiar dialect of the Wellers from real life.

Every morning as we steamed westward my fellow passenger would call for the cabin steward, miscalled apparently for the purpose of putting into requisition the wrong consonant, "Vaiter." As soon as the door was opened he would ask, "Vaiter, vitch vay is the vind?" to which the steward's habitual response was, "West nor-west, sir," and from the lower berth would come the despondent ejaculation, "Vest nor-vest? Vot a vind!" And "vest nor-vest" the wind continued to be, dead ahead, until on the tenth day out the captain informed us that he had only a few days' supply of coal left and that he concluded to put the ship about and make for Cork as a port of refuge. Accordingly in mid-ocean our course was reversed, to our great physical relief, although with sore disappointment.

My homeward voyage was thus broken up, and my uncle on hearing of its result wrote me to join him in Paris and accompany him to Italy. After making with Mr.

Van Buren, one of the most attractive and delightful of companions, a tour through the Lakes of Killarney and northward to Dublin, I crossed the two channels, from Ireland to Paris, where I gladly rejoined my uncle and aunt, and thence journeyed with them to Rome. The papal Rome of Gregory XVI, in 1838, was very different from the regal Rome of King Humbert in 1898. The genius of modern improvement and the spirit of archæological research had not disturbed the lethargy of the ecclesiastical, medieval city. Priests and monks, beggars and *contadini* filled the streets, and foreigners were few as compared with the crowds who now swarm in the streets of the Eternal City. We had lodgings in the Via San Vitale with a certain Narducci, who held a position of some kind in the Pope's military establishment. Besides giving me lessons in Italian, he was an invaluable guide, in many ways most serviceable for my acquisition of knowledge of Italian manners and customs. I made myself as familiar with Rome as with my native city of Albany, a kind of education which, perhaps, was more beneficial than that to which I looked forward while suffering on the *Liverpool* before her prow was turned eastward.

After our long sojourn in Italy, we turned our steps homeward, crossing Mont Cenis by the old pass which furnished the highway easiest of travel across the Alps, returned to Paris, and then embarked in the sailing-packet *Burgundy*, commanded by Captain Lines, at that time and for years afterward one of the most popular captains

of sailing-vessels and steamers, and reached home in the summer of 1839.

[There are still extant a few pages from a journal kept by this youthful traveler during his long European trip which give graphic descriptions of cities visited, meetings with friends and important happenings, all too lengthy to insert here.

We find from these journalistic fragments how Rome appeared seventy years ago to an enthusiastic and thoughtful American boy. Here are recorded his impressions of the Italian people, of the churches of Rome, the ascent of St. Peter's, of visits to artists' studios, notably that of Thorwaldsen, a long account of the Carnival of 1838, and many other interesting items.

The pages containing a description of the ruins of Pompeii are so vivid in portrayal and so literary in style that they are inserted here.—Ed.]

"At last we reached Pompei. The town itself cannot be seen as it is surrounded by piles of ashes higher than the tops of the houses. We drove first to the amphitheatre; the plan being to dismount there and walk down to the temple of Isis which is at the beginning of the town itself, there to lunch, and finish the rest afterwards.

"As the amphitheatre has been excavated at the upper end of the town, it is quite a walk down to that part, which has been excavated so that you literally walk over a city—the part from the theatre to the temple of Isis being yet entombed.

"The amphitheatre is of course much smaller than the Coliseum at Rome, but if possible more interesting as it is more perfect. You can easily see the plan at once and as most of the seats are remaining it seemed as if ready again to be the scene of blood and sport. It commands a fine view of Vesuvius and the cloud of smoke and stream of fire, being at once discerned by the spectators what must have been the consternation and alarm that seized them as they turned from the sports of the arena

to seek safety in flight. It was doubly interesting to those of us who had read Mr. Bulwer's enchanting novel 'The last days of Pompei' as he had revived the characters who had actually lived, and also interwoven an enticing story so as to render almost every house, the scene of some event which was now called to mind with gratification.

"We then after examining the amphitheatre sufficiently took the way to the temple of the Goddess of Isis—It was small, but very pretty, and the altar still stands, and the shrine for the oracle still remains as perfect as if just completed. In fact Pompei was so taken by surprise, the work of destruction so soon completed, that everything was found in as perfect order as if freshly made, the mosaic pavements are bright and smooth, the paintings on the walls have a vivid and clear color, the paving of the streets retain the marks of chariot wheels, and everything, (save perhaps the want of roofs to the houses) gives it the appearance of a city whose owners have deserted it but for a time, or very shortly, and not as the wreck of a town which has been mouldering in the dust for eighteen centuries.

"It is indeed melancholy though deeply interesting, to wander through the streets, all is so silent, so still, so desolate. We enter the houses, we pass the porter's lodge; where is the servant to announce us? we cross the open court, where is the fountain that used to play? we enter the little garden, (which each house has) and look in vain for the neatly trimmed flowers that were wont to spread their odors through the mansion, we look into the banquet halls but where is the host to receive, or the guests to eat, and so may we wander into the bedrooms, but the couches are gone, and so are the owners, and we leave the house to seek elsewhere for life and animation. The bakers' shops look so clean and nice, the mill for the corn so perfect that we are tempted to believe that the baker has but stepped out and will soon return, but wait so long as we may, call as loud as we will, no footsteps are heard, no response is given to our cry, and we pass on again.

"But the baths are so perfect, the roofs entire, the tubs remaining, that surely some one will be here before long to bathe, but the cold bath is uncalled for, the hot one neglected, and the tepid one waits for an occupant, so that we leave the bathing houses for the open air. Hurrying on we pass through the forum, the temples, the schools, into more houses, cross more streets, but look in vain for the buyers and sellers, the priest and the people, the pedagogue and the pupil, and at last we must conclude that it is a "city of the dead," whose owners will never return, whose streets will forever be silent, whose houses will never again be occupied and whose public places will moulder into dust before the hum of business will again be heard.

"But here again I have been giving away to my enthusiasm and am afraid that you who read my journal will suffer for it if you expect to have a description of Pompei, for it is impossible now to retrace my steps to the temple of Isis."

[Here is another quotation from my father's journal, giving his observations while stopping over Sunday at a small village just outside of Genoa.—Ed.]

"Sund. Passing the sabbath at this place, but how unlike the sabbath, the people in their holiday costumes are lounging about the square, on which stands our hotel. I have climbed up the high hill at the back of the town and was rewarded with a fine view, the Alps were before, and the Appenines behind us whilst at our feet lay a long wide plain stretching to the Hadriatic. In the morning I had noticed a rope tied to a pole in the middle of the street and extending in a slanting direction to the window of a house fronting the square, on which stands the Cathedral and public fountain. On inquiry I found that a little girl was going to walk up it from the street to the window, for the amusement of the people!!! And sure enough about four o'clock the girl made her appearance, and ascended the rope and came down again to the great delight of the people.

"What a state of affairs!!"

CHAPTER VIII

UNITED STATES DISTRICT ATTORNEYSHIP OF NEW YORK OFFERED TO BENJAMIN F. BULTER—ACCEPTED—PRESIDENTIAL CAMPAIGN OF 1840—THE "LOG-CABIN AND HARD-CIDER" FRENZY—VAN BUREN'S RETIREMENT AT LINDENWALD—DEATH OF PRESIDENT HARRISON—GEORGE WILLIAM CURTIS—NEW YORK UNIVERSITY LAW SCHOOL—ESTABLISHED BY BENJAMIN F. BUTLER—LETTER OF JUSTICE STORY—GRADUATION AT UNIVERSITY OF NEW YORK IN CLASS OF 1843—CLASS DINNERS.

DURING our absence in Europe strange things had happened at home. Samuel Swartwout, whom President Jackson in 1829 had appointed Collector of the Port of New York against the earnest protest of Mr. Van Buren, had been discovered to be a defaulter to an enormous amount, the result of misappropriations of public money which he had practiced for seven years. Some time afterward, William M. Price, United States District Attorney for the Southern District of New York, committed suicide. These disastrous events alarmed the government, and President Van Buren called upon my father to aid him by accepting the vacant office of District Attorney.

This was, of course, a position inferior in rank to that of Attorney-General of the United States, but it was at that time peculiarly representative in New York of the Federal Government. John Duer, one of my father's

associates in the Revision, had held it under John Quincy Adams. It did not require absence from home nor preclude private practice in the courts. It was liberally compensated by the fees allowed by law in lieu of salary, and was regarded by the profession as a post of high distinction. My father held the office during the remainder of Mr. Van Buren's term, and was succeeded on March 4, 1841, by Ogden Hoffman, one of the most eminent and eloquent members of the New York Bar.

The year 1840 was marked by an extraordinary and almost unprecedented period of political excitement. During the administration of Mr. Van Buren, financial distress and commercial failures had been wide-spread through the country. A mania for speculation had set in; a so-called credit system had supplanted sound monetary conditions, and after sowing the wind in reckless ventures, the trading portion of the public had reaped the whirlwind of disaster and ruin.

Mr. Van Buren, in his administration of the government, had not swerved from the principles and policy of his party. He stood for sound money and the absolute divorce of government from the business of banking, as then favored by the Whig party. He resisted alike the pressure of friends and foes, and was true to the doctrines he had maintained and the pledges he had given. The Whig leaders found their opportunity in the prevailing discontent and distress, and, setting aside the claims of Henry Clay, nominated for the presidency, solely on the ground of his "availability," William Henry Harrison, of

Ohio, the so-called "Hero of Tippecanoe," giving to John Tyler, of Virginia, the second place on the ticket.

These nominations were followed by a canvass unparalleled for the gross and demoralizing methods by which it pandered to the cravings of the people for a change of administration. As always under political conditions similar to those which then existed in the United States, a dissatisfied minority, clamoring for the overthrow of an existing administration, charged against it all the evils of which the people complained, and on this basis, without having any distinct principles or policy, set on foot the grotesque and semi-barbarous "log-cabin and hard-cider" campaign.

Had I not been an eye-witness of these performances, I could hardly believe that a civilized people, the founders and promoters of free government on the western hemisphere, could have exhibited such a travesty on the serious business of electing a President as went on in the summer and autumn of 1840. Carl Schurz, in his life of Henry Clay, says of the campaign that there has probably never been one "of more enthusiasm or less thought. . . . As soon as it was finally started, it resolved itself into a popular frolic. There was no end of monster mass meetings, with log cabins, raccoons and hard cider. One half of the American people seemed to have stopped work to march in processions behind brass bands or drum and fife to attend huge picnics, etc." Edward M. Shepard, in his admirable biography of Mr. Van Buren, says "The Whig campaign was highly picturesque. Meetings were

measured by 'acres of men.' They gathered on the field of Tippecanoe. Revolutionary soldiery marched in venerable processions. Wives and daughters came with their husbands and fathers. There were the barrel of cider, the coon-skins, and the log cabin with the live raccoon running over it, and the latch-string hung out; for Harrison had told his soldiers when he left them, that never should his door be shut 'or the string of the latch pulled in.' "

The names of the rival candidates afforded rare opportunities for the exercise of the genius of political versifiers. All over the country the air was vocal with the resounding campaign song:

"What has caused this great commotion, motion, motion,
Our country through?
It is the ball a-rolling on,
For Tippecanoe and Tyler too, Tippecanoe and Tyler too!"

accompanied by the refrain:

"Van, Van is a used-up man."

When in September, Maine, heretofore a Democratic State, gave the Whig nominee for governor a small majority, the same poetic genius which inspired the lyric from which I have already quoted, chronicled the event in lines that declared:

"Maine went, hell-bent,
For Governor Kent."

The city of New York was not behind the rest of the organized disreputability of this extraordinary campaign. A large plot of vacant land on the southeast corner

of Broadway and Prince Street furnished a conspicuous site for a large log cabin, with accessories such as are described by Mr. Schurz and Mr. Shepard, while other similar places of rendezvous were set up elsewhere in the metropolis. Doubtless there were many serious discussions on the political issues really involved, for both parties included real statesmen of the highest order of intellect, who, in spite of the violent political antagonism, were truly patriotic. But their influence upon the popular mind went for little in comparison with the effect produced by the reckless saturnalia of singing and shouting which culminated in exulting pæans of victory when Harrison and Tyler were declared to be the successful candidates. They received 234 electoral votes against 60 for Mr. Van Buren and a popular majority of nearly 150,000.

Shortly after his retirement from the presidency, Mr. Van Buren established his residence in a country seat near Kinderhook, known in the neighborhood as the Van Ness estate. He refitted the old mansion and laid out the adjacent grounds to suit his taste, naming the place "Lindenwald" in allusion to the numerous linden trees in front of the house.

When Mr. Van Buren left Washington on March 4, 1841, he came directly to my father's house in New York, where he made us a visit of several weeks, and where, on April 4, 1841, he received the unexpected news of the death of President Harrison. This amiable and excellent man, transferred from the accustomed quiet of his home

to the White House in Washington, had found himself overwhelmed not so much by any pressing duties of his high office as by a vast and hungry pack of office-seekers eager for the spoils of victory. It was told at the time that in his efforts to escape from them he would leave the White House by one of the doors in the rear of the building and betake himself for refuge to the house of Levi Woodbury, who had been Mr. Van Buren's Secretary of the Treasury. But he finally broke down and after a short illness found repose in the grave. John Tyler, who succeeded to the presidency, bitterly disappointed the Whigs. He turned a cold shoulder to the men whose votes had secured his election, and vetoed their cherished measure, the bill re-chartering the Bank of the United States.

My father's house in New York was in Washington Place, at the northwest corner of Greene Street. A near neighbor on the same block was George Curtis. His son, George William Curtis, was my friend of many years and until his death, in 1892. On the west end of the block stood the then newly erected marble building of the University of the City of New York, now no longer in existence, as it has been replaced in later years by a more modern structure. To the propinquity of the University to our New York house was largely due the determination that my college course should be within its walls. In addition to this my father had been an early friend of the enterprise which contemplated the founding in the city of New York of an institution worthy of the name and

embracing the purposes of a true university. He had a great desire to teach the law as a science and devoted much of his time and thought to the elaboration of a scheme of instruction to be carried on in a law school of which he should be the responsible head.

In the prosecution of this scheme my father enlisted the coöperation of William Kent, son of the Chancellor, and then high in professional repute, and David Graham, Jr., also one of the most brilliant members of the New York bar, author of a standard work on Practice and a very successful jury lawyer. The law department was inaugurated with addresses delivered by the three professors early in 1838 and a complete course was marked out, most admirable in its conception and detail. Conducting a school of law by lectures to be delivered by lawyers in full practice at the bar to students from law offices was, however, an experiment, and although some students were attracted, the plan was at that time premature and impossible of success. The co-workers in this earliest effort to establish a school of law in the metropolis of the country laid the foundations on which in after years their successors were able with larger opportunities and ampler resources to build with honor and profit.[1]

[1] The following letter from Justice Story of the Supreme Court of the United States on the inauguration of the Law School of the University of New York shows the esteem with which my grandfather was regarded by his colleagues at the Bar and on the bench.—Ed.

Cambridge, *July* 30, 1838.

My Dear Sir:

I had the pleasure of receiving a few days ago the copy of the Inaugural Addresses of the Law Professors of the New York University, which you had

My own studies were pursued in the University which, whatever else it lacked, was strong in the department of classical instruction. Professor Ebenezer A. Johnson, who filled the chair of Latin for over fifty-three years, was most thoroughly equipped for his work, while in Greek the professor, during my time, was Tayler Lewis, a man of profound learning, and one of the most eminent Greek scholars in the country. I graduated from the university in 1843.

During my college course I achieved the small distinction of being the Class Poet. In 1842 I wrote for the tenth anniversary of the Philomathian Society, and delivered on that momentous occasion, a poem entitled "The Future." A few days afterward a member of my family asked me for the manuscript and I very soon received the proof-sheets from the printing-office of the *Democratic Review*, in which, as I then for the first time discovered, Mr. John L. Sullivan, its editor, had decided to publish it. As this was without any knowledge on my

the kindness to send me. I have read them with the sincerest satisfaction; and I have been gratified by the high professional spirit and tone which pervades them. Your own is a highly finished discourse, and equally creditable to your taste, your judgment, and your just sense of the dignity of the profession. The remarks too come with a peculiar grace from one, who has long borne so distinguished a part in the honors of the profession, and worn them with such a spotless reputation. I hail the establishment of your Law School as a new auxiliary in the cause of our common science. I earnestly hope, that it may fully prosper and answer the noble design of its founders. I am sure that its success will give a new impulse to the profession, and aid rather than impair the usefulness of all other similar institutions.

My personal good wishes are altogether with you, and when I add,—Melioribus Utere Fatis,—allow me to subscribe myself with the highest Respect

Truly your obliged friend,

The Honorable Benjamin F. Butler, (Signed) Joseph Story.

part I accepted his action as a marked compliment but must attribute it more to his great friendship for all the members of our family than to any merit in the poem itself. I have not read it for many years and would hardly dare to do so now. I supposed that with the exception of my own copy, one of a small number printed separately, it was utterly extinct; but was surprised to find it in a catalogue of the library of a collector of American literature, issued in November, 1900. It was included with some other of my publications and there was a footnote as follows: "Privately printed—The first publication of the author—Rare." The publication, however, was not private, for, as I have said, it appeared in the *Democratic Review*.

I delivered the Commencement Poem in 1843, having exchanged whatever higher grade of address I was entitled to for the sake of sustaining my character as the Class Poet. This Commencement Exercise has disappeared from my manuscripts.

[The full list of the graduates of the class of 1843 of the University of New York is as follows:

N. Beekman Bangs,
James C. Blake,
Wm. P. Breed,
John C. Brown,
Wm. Allen Butler,
Frederic W. Downer,
George W. Dubois,
George L. Duyckinck,
John M. Ferris,
Theo. W. Field,
Wm. H. Forman,
Amasa S. Freeman,
Wm. H. Gardiner,
Stephen B. Hoffman,
Addison Hotchkiss,
Samuel J. Jones,
D. Stevens Landon,
Wm. P. Lee,
Samuel P. Leeds,
Edwin Ludlow,

Benjamin Mason,	Alfred C. Roe,
Edwin R. McGregor,	Moses M. Vail,
David C. Meeker,	Aaron J. Vanderpoel,
Abram Meserole,	Henry Van Schaick,
Samuel W. Putnam,	Wm. A. Wheelock,
Lewis B. Reed,	Wm. H. Wilcox.

It was the custom of the graduates to meet annually in the spring of each year and dine together, generally at the invitation of some one member of their number. This was an engagement which was never broken except for absolute necessity. As death depleted the list, those who were left felt it a sacred duty to make every effort to be present.

The sixty-eighth dinner was held May 26, 1910, at the Hamilton Club, Brooklyn, by invitation of Lewis B. Reed, beside whom there were present John M. Ferris and Henry Van Schaick. The only other surviving member of the class at that time was Samuel P. Leeds, who has since died. On May 18, 1911, the only surviving members, Mr. Reed and Mr. Van Schaick, had their sixty-ninth dinner, on the invitation of the latter, at Sherry's, in New York.

The tribute to my father's memory by his classmates at the dinner of 1903 is significant of the tender loyalty which bound the members of the class of 1843 together:

"The few surviving members of the Class of 1843 of New York University, at this, their 61st, Annual Reunion are oppressed with a special sadness as they miss from their little gathering to-night the beloved associate, who for the past sixty years, more than any other member has been distinguished for his loyal attendance at these happy re-unions, having been present at fifty-six out of the sixty occasions on which we have assembled.

"William Allen Butler, our beloved brother, has, since our last meeting, been called to exchange the earthly crown of success he had so nobly won in every department of life,—for the more enduring and Heavenly Crown, and with our ranks still further broken, we lay this our loving tribute to his cherished memory.

"William Allen Butler was a choice spirit, loyalty was inscribed upon every interest with which he was identified. He was not only loyal to his classmates, but to his Alma Mater, of whose Council he was a distinguished member for more than thirty years and for a time its President. He was loyal to his profession, and in his religious life. His literary and professional attainments are too well known to say more than that they form a part of the history to our City.

"As from year to year one and another of our associates, who, in the flush of youth, entered upon life with us, have fallen by the way, many of them after years of distinguished usefulness, we see our number reduced from thirty-two to only nine, of whom five meet to-night to clasp hands in love, as they have for three score years, and to recall once more the memory of the departed.

"How fondly memory dwells upon the now sainted Breed and Freeman whose long and faithful years in the ministry can never be forgotten; the cultured and refined Duyckinck; the sturdy Mason and Vail; the unassuming Roe and Brown and Field and Putnam, and the tireless Vanderpoel, as he waged his legal and successful battles.

"A few more years in the ordinary course of nature must close the record for those of us who still remain, and while we cannot recall the departed, may we not look forward to that blessed reunion in that House and Home not made with hands, eternal in the Heavens."

My father's own loyal and affectionate feeling for his classmates found expression in a poem written for their 55th reunion in May, 1897, the last part of which runs thus:

> Here as old friendships breathe their ancient vows,
> And lights of Memory bathe our wrinkled brows,
> No place is left for sighs or vain regrets,
> The Star of Being never pales or sets;
> Old age is not life *spent*, but life *possessed*,
> The golden grain in the full measure pressed

And overflowing in its ample store,
So that to him who hath is given more.
"Happy the man," the Roman bard could say,
"Whose word at night is 'I have lived to-day!' "
In Life's calm evening, happier still is he
Who can exclaim, "I hold the Past in fee."
For us what wealth these vanished years have brought
In all the spheres of Earthly deed and thought;
In great events that still our memories stir,
All which we saw, and part of which we were;
In the strange marvels of inventive skill,
In succor brought to every woe and ill,
In all the onward march of Truth and Right,
In Slavery slain in Freedom's deadliest fight,
In the new dawn whose radiant promise lights
Our Alma Mater on her regal Heights,
In Thought's unfettered flight and boundless scope,
In all the loftier reach of human hope,
And grand unfoldings of the perfect plan
Of Love Divine for all the Race of Man.
Nor least, to-night, the hidden treasure grasped
As eye meets eye and hand in hand is clasped;
Untouched by Time, its lustre all undimmed,
Our loving-cup with its full wealth is brimmed;
Safe for the future, if we meet or part,
Kept in the inmost shrine of every heart;
Come good or evil days, come peace or strife,
Come gain or bitter loss, come death or life,
Whatever change may be, or chance befall,
This bond of friendship shall survive them all!

It would not be doing justice to my father to omit mention of his devoted attachment to his Alma Mater—an attachment continued throughout his life. At the first stated meeting, after my father's death, of the Council of the New York University, their appreciation of his connection was beautifully expressed in a memorial resolution, a part of which I quote here:

"From the time when in 1837, and at the age of twelve years, he entered the University Grammar School, Dr. Butler's life may be said to be identified with this Uni-

versity, a period of sixty-five years. In 1839 he was matriculated in the Class of 1843, a class which has given four members to this Council, and which holds to-day the record, possibly unique in college history, of having met in regular annual re-unions since the date of its graduation.

"In 1862 he was elected a member of this Council; in 1891 he was made its Vice-President; in 1897 he was made its President, succeeding in the office his venerable uncle, Dr. Charles Butler, who died in that year. Next to that of Dr. Charles Butler, the membership of Dr. William Allen Butler, which continued until the time of his resignation in 1898, was longer than that of any other—thirty-six years. During that period his love to this university was unfailing; his loyalty to her interests, untiring; his counsels invaluable; his gifts, many. It was in large measure through his zeal and effective work connected with its organization and early nurture, that especially the Law School of New York University has attained its honorable success.

"In this Council his service was the reflection of himself; courteous, judicious, prudently circumspect, consistent and influential, of large and enlightened outlook, always calm and clear in counsel, always well balanced and efficient in action. To us, as formerly his associates in its work, his memory now dignifies what his chaste spirit touched."—Ed.]

CHAPTER IX

TRIP TO NASHVILLE—VISIT TO "THE HERMITAGE"—TALKS WITH GENERAL JACKSON—HIS REMINISCENCES—CHURCH SERVICE—THE DE WITT CLINTON TOAST—CORRESPONDENCE WITH FITZ-GREENE HALLECK—JEFFERSON DINNER, TOAST AND NULLIFICATION—LETTER FROM GENERAL JACKSON TO A YOUNG MAN—ANNEXATION OF TEXAS A LEADING ISSUE.

IN the early spring of 1844, while engaged in the study of law under my father's direction, I accompanied him on a tour to "The Hermitage" for a visit to General Jackson. This was in accomplishment of a long-cherished desire on his part to see his old chief once more; and there was, I suppose, connected with it what would be called in the phraseology of to-day "some political significance." It was the confident expectation of Mr. Van Buren's friends in the North that he would receive from the Democratic party, at its convention to be held at Baltimore in the coming month of May, the nomination for the presidency. General Jackson was known to be warmly in favor of his nomination and sanguine of his re-election. But some new and perplexing questions were coming to the front, among them the proposed annexation of Texas to the United States, and my father naturally desired to confer with General Jackson in reference to the existing political situation.

A journey from New York to Nashville at that time was a serious undertaking. It involved the crossing of the Alleghany Mountains by stage coach, and a long river trip by the Monongahela, Ohio, and Cumberland Rivers. But our plans were deliberately made and successfully executed. Starting from New York, April 2, 1844, we went first to Washington for a few days' sojourn.

I remember that in the railroad train from Baltimore to Washington, a trip which then consumed considerable time, we encountered a fellow passenger of a peculiar American type, now practically extinct. He was a middle-aged man, well-dressed, of good appearance, but just enough overcome by the stimulants in which he had been indulging to be extremely loquacious. He volunteered to engage with any of the passengers in a discussion upon any subject, but declared that, as he was not in a "sedentary mood" he preferred the general subject of politics, for which he was well qualified, having been a Whig member of the Maryland legislature. He went on accordingly, interlarding his discourse with so much profanity that my father at last quietly said to him that he might be wounding the feelings of some of his auditors by the use of so many oaths, and asked him to desist. Instead of taking offense he said he recognized in my father a gentleman and a Christian, and that he would comply with the request, which he eventually tried to do but only with partial success.

He then gave out that he was especially strong in grammar, particularly as to the pronouns, and engaged

in a conversation with my father on the basis of his grammatical knowledge, branching off to the Latin language, and saying he had been lying awake trying to remember the verb which corresponded to the word "fulmen," that had been like a thunderbolt in his brain. He was very grateful for the information which supplied his want in this respect.

Once, when the train stopped, as it did several times, at stations where the opportunity of a bar presented itself, my father kindly prevented him from leaving the car for the purpose of refreshing himself. At another halting-place, however, he slipped out, my father following him with the benevolent intention of arresting him, if possible, in the execution of his intent; but the glass of liquor was at his lips when my father reached his side. "My dear friend," said the stranger, "I shall love you as long as I live, but you are a little too late," and he drained the glass. Had Joseph Jefferson been there to see him, he might have carried away a new touch of nature for his delineation of Rip Van Winkle.

We returned from Washington toward Baltimore, as far as the Relay House, where we took a train for Cumberland, following the windings of the Patapsco and the Potomac at what was then the rapid rate of twenty miles an hour, and through the romantic scenery in the region of Harper's Ferry, subsequently made memorable as the scene of the invasion of Virginia by John Brown. Here we found that the stage-coach of the "Good Intent" line, a small and uncomfortable vehicle, was about to leave for

a night's journey over the Alleghanies to Brownsville on the Monongahela River, whence we were to be conveyed in a steamboat to Pittsburg, and with six fellow passengers were compelled to accept this method of conveyance. And thus, during the entire night, we made our weary way over the mountain range and to the banks of the Monongahela. From Brownsville the rest of the trip to Nashville was by boat, and I had my first and last experience of travel on the flat-bottomed steamboats which were adapted to the rivers of the West, and which for so many years formed the chief means of internal communication between the North and the South.

The Ohio River boats were quite palatial, and carried large numbers of passengers, but the boat on which we made our way up the Cumberland River to the capital of the State of Tennessee, was very small. In fact, a very fat man who was one of the cabin passengers was unable to reach the promenade deck for want of sufficient size in the companion-way to admit of his getting through. From Nashville a drive of twelve miles, terminating in an avenue of trees, brought us to "The Hermitage," where we were most cordially welcomed by General Jackson and his family, consisting of his adopted son, Andrew Jackson, and the latter's wife and children. The house was a comparatively modern one, having been built to replace the original mansion erected in 1819 and damaged by fire in 1836. It stood near the log cabin built by General Jackson when he first became the owner of the place and gave it the name of "The Hermitage." It was a square,

two-story brick building, flanked by wings, with a portico in front and tall pillars the entire length, after the prevailing fashion of the day for country houses North and South. A meeting of the presbytery or synod of the neighborhood was being held in the church built by General Jackson on "The Hermitage" grounds, and the members of the convocation, clerical and lay, were arriving on horseback with their saddle-bags. Everything in and about the house was in accordance with the usages of Southern plantation life, the slaves and their children forming quite a little community and discharging their duties in-doors and out-of-doors after the fashion of their race, with a characteristic mixture of good-nature and laziness. On the first morning after our arrival I marveled at the number of women who were engaged in making my bed and setting my room in order.

We found our aged host quite feeble in body, but mentally very bright and active. He occupied one of the wings of the house and did not come to the dining-room for his meals, but left that spacious apartment for the free use of his guests, a long table being set, plentifully supplied with the products of the plantation, and equal to the necessities of all comers at all times. The General's habit was to sit in a large arm-chair in one corner of the great fireplace of his sitting-room, on the ground floor, where he smoked his pipe and talked with his family and visitors. I think it was the very night of our arrival that an old clergyman named Bain, seated at the opposite side of the fireplace, in some way started as subject

of discussion the doctrine of election, in which he declared himself a firm believer. The General listened in silence for some time and then taking his pipe from his mouth gave utterance in a decided tone to the following: "Brother Bain, do you mean to tell me that when my Saviour said 'Come unto me, *all* ye who labor and are heavy laden,' he didn't mean what he said?" Brother Bain was effectually silenced, and we heard no more of the doctrine of election that night.

During the following day, on the porch of "The Hermitage," General Jackson talked very freely of the past and the present. He fought over some of his battles on the fields of war and politics. He gave us some of the recollections of his earlier life, one of which I recall as associated with the evident sense of humor by which it was marked. "When I was appointed a judge," said the General, "I went on a circuit in a part of Tennessee where I had to hold court in a place where there was no public building, or anything over which the public had jurisdiction, except the village pound. Accordingly I determined to hold court in the pound. While sitting there as judge a very short constable brought in a very tall man, quite drunk, who had been arrested and was to be tried for some offense. When the subject got inside the pound he looked around upon the court and his officers with great contempt, saying 'Saul, the son of Kish, has come out to seek his father's asses, and lo! here they are!"

Another story which he told with evident relish was a reminiscence of George Poindexter, a Mississippi sen-

ator with whom he had a feud, and who, although he had been with Jackson at New Orleans, became afterward violently opposed to him. "Poindexter," said the General, "had been making violent attacks upon me and had given out that the next time he met me he would demand satisfaction. About this time I was going from 'The Hermitage' to Washington on horse-back and stopped at a tavern for dinner. While I was standing in the front door a stage-coach full of passengers came up the road, and stopped at the house, and whom should I see seated in the back seat but Poindexter. I stood on the tavern steps while the passengers got out of the stage to take their dinner. All got out but Poindexter and he remained in the corner of the coach, declined to get out, and was driven around to the stable shed while the rest of his companions came in and dined."

He spoke with great feeling of his action in regard to Arbuthnot and Ambrister during the Seminole War in 1818, an incident which caused great excitement and for which General Jackson was violently condemned in many quarters, though he was sustained by John Quincy Adams, then Secretary of State. These men were British subjects who had gone to Florida, traded with the Seminoles, and, according to General Jackson's belief upon the evidence furnished against them, were aiding and abetting the Indians in their war upon the United States. They were seized, tried, convicted and executed. So sure was he of his position that he declared, "My God would never have smiled upon me if I had spared those men."

He spoke very feelingly of his relations with Henry Clay, his great rival and political opponent. Mr. Clay's course in the Seminole War debate, when he declared against Jackson in his speech in the House of Representatives in January, 1819, on the resolution condemning Jackson's course in the Seminole War, particularly in the execution of Arbuthnot and Ambrister, had greatly incensed General Jackson. The resolutions were voted down, and the result was a triumph for General Jackson, who left Washington soon afterward and did not return until his appointment to the United States Senate in 1823. Meanwhile he had been nominated for the presidency, and, there being no choice in the Electoral College, was one of the four candidates receiving the highest number of votes whose names, under the then existing provisions of law, came before the House of Representatives for election. William H. Crawford, John Quincy Adams and Henry Clay were the others. General Jackson referred to these facts and said:

"I was on my way to Washington to take my seat in the Senate of the United States, and, as we were to pass Clay's house on the way, I was asked if I had any objection to calling on Mrs. Clay. I said 'No,' and added that I had no quarrels with ladies. As I had a very high respect for Mrs. Clay and her family, we stopped at the house, chatted for a few minutes, and then went on. On arriving at the inn at Lebanon I noticed a number of horses around the door, and who should be there but Clay himself and some of his friends. I alit and as I

went up the steps he was standing by the door, and on seeing me extended his hand. I waved my hand, passed him, and entered the house. I expected that he would say something, but he did not; but I afterward heard that he complained bitterly that I should call on his wife, and make a friendly visit, and refuse to shake hands with him when I met him, but you see, sir, in that speech he had not only accused me of disobedience of orders, but also of murder. I said to my friends, 'Let us ride on,' and when I heard of his complaints I said, 'If Clay has anything against me let him come and say it to me, and I will endeavor to give him honorable satisfaction, but he need not be going around the country, like an old woman, telling stories about me.'

"So we came to Washington, where I was asked if I had any objection to a reconciliation with Clay, and was told he would call on me if I would receive him and return the civility. I answered that I had no desire to go to my grave with enmity against any man, and that I was ready to receive any advances of renewed intercourse which Clay might make. So he called and paid his respects, and I returned the visit. He dined at my house with Adams, and it required my interference to keep them from very hard words.

"After the news of the failure of the Electoral College to elect a President, Clay met me on Pennsylvania Avenue, and, coming up in a friendly way, shook hands with me and said, 'General Jackson, you will go into the House of Representatives with a large vote and will, no doubt, be

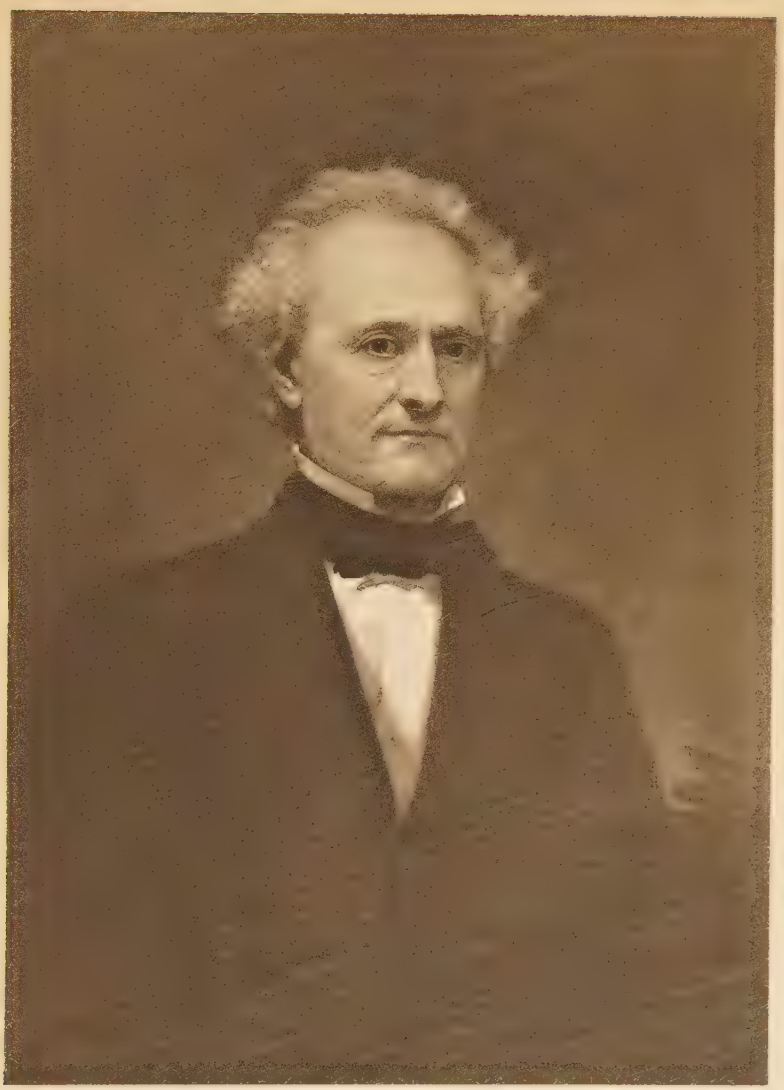
elected.' I drew myself up and said, 'I shall be satisfied if the House of Representatives in this important matter, regardless of any other consideration, do their duty to their country and to their God.' Clay bowed, we shook hands, he passed on and did not speak, nor have we spoken since."

On Sunday there were special exercises at "The Hermitage" church, and the communion service was largely attended by people in the neighborhood. The scene in the little church was very impressive. To me, as a participant in these simple solemnities, it was most interesting to see this venerable man, who had borne the storm and stress of conflict in battle and civil strife, who for a great part of his life had been idolized by vast numbers of his fellow countrymen, and had wielded the powers of the chief magistracy of the nation, now sitting in this rural sanctuary, side by side with my father, one of his former colleagues in the administration of the government, and attesting with bowed head and in reverent silence his belief in the verities of Christian faith. I have no more doubt of the sincerity of Andrew Jackson's religious convictions and confessions than I have in his courage or patriotism.[1] And yet these unobtrusive acts of penitence and piety, after he had left public life for ever, did not escape the sneer of calumnious critics. The author of the disparaging biography which has found a place in the series of "American Statesmen" says, on the closing page of the book, that Jackson in his last years "joined the

[1] See Felix Grundy's letter, p. 90 *ante*.—Ed.

church, and on that occasion, under the exhortations of his spiritual adviser, he professed to forgive all his enemies in a body," and adds, as the final words, that it does not appear that he "ever forgave an enemy as a specific individual." This demand for a bill of particulars to satisfy a Yale professor of the validity of Jackson's claim to good and regular standing in the Presbyterian Church is somewhat unreasonable. Coming, as it did, a score of years after the General's death, it is illustrative of the persistent and morbid virulence of the New England anti-Jacksonian spirit which always grudged to the hero of New Orleans the national honors which were denied to Daniel Webster.

With like good-humor the General spoke of his first visit to New York in 1819, and of the malapropos toast at the public dinner given to him by the Democrats of that city. De Witt Clinton was at that time governor. He had been one of the first of the men in public life at the North who had taken note of General Jackson's growing favor with the people, and had openly declared his admiration of him, while the Democrats of his State in their support of William H. Crawford, of Georgia, for the presidency, ignored the claims of Jackson. Later on the New York Democrats gave their adhesion to Jackson, retaining, as always, their hostility to De Witt Clinton. New York politics, then as ever since, presented to public men of other States a field of exploration as intricate as the everglades of Florida or the jungles of the Philippines. Just at the time of General Jackson's visit, the "Buck-



tails," as the Democrats of New York were called, were particularly hostile to the governor of their State, and averse to the recognition of any claims on his part to public confidence or favor.

"How could I know anything about their politics?" said the General. "I knew that De Witt Clinton was governor of the State and so at the dinner when it came my turn to speak I gave as a toast 'De Witt Clinton—to be great is to be envied.' To my surprise it was received in silence." He then went on to describe his astonishment at the silence with which his toast was received, and at the disgust of the Bucktail hosts because of the blunder he had committed. In telling the story, he gave the language of the toast precisely as I have repeated it, and as I jotted it down at the time in the notes I kept of his reminiscences given in my hearing at "The Hermitage." Strangely enough, he was in error himself in his recollection, for the toast as actually given was, "De Witt Clinton, Governor of the Great and Patriotic State of New York." This I have on the evidence of two of the guests present at the dinner, Fitz-Greene Halleck and Charles P. Clinch. Mr. Clinch, who was for many years a deputy collector of New York, gave me the facts in conversation and Halleck by letter.

In a biographical sketch of Mr. Van Buren published just after his death, I referred to this incident, and quoted General Jackson's toast just as repeated by him. Halleck wrote me as follows:

"GUILFORD, CONNECTICUT, *Sept.* 10, '62.

DEAR SIR,

You doubtless recollect that after the success of "Tom Jones" its author undertook an historical work, and that Lady Mary Montagu in allusion to it, said, "What a pity that my cousin, Mr. Fielding, should have abandoned writing Truth, and taken to writing History!"

I find, in the *Home Journal* of this week, not having yet had the pleasure of seeing the volume, an extract from your "Sketch" of Mr. Van Buren, in which mention is made of the Toast given by General Jackson at a dinner in Tammany Hall in March, 1819. A reference to the newspapers of the time, not in my power here, will, I think, prove that you have been misinformed as to the exact words of the Toast. I was present on the occasion, and, as I remember them they were "De Witt Clinton, the Governor of the great and patriotic State of New York" embracing, very gracefully, a double compliment, and a rebuke, or not, at the pleasure of the listeners.

The belief that your good taste will deem my version the most in accordance with that sense of propriety which was a characteristic, alike of Mr. Van Buren, and General Jackson, induces me to hope that you will pardon the liberty I have taken in thus addressing you.

Believe me, dear sir,

Truly yours,

FITZ-GREENE HALLECK.

WM. ALLEN BUTLER, Esq.

This was followed within a few days and before my receipt of the first letter by another:

GUILFORD, CONNECTICUT, *Sept.* 20. '62.

DEAR SIR:

Since I had the pleasure of writing you, conscience compels me to admit that while professing to be the only immaculate Historian extant, I have myself become a fit subject for Lady Mary's sportive wit. For I now find, in a work of authority, near me, that the dinner alluded to

did not take place in March, but on the 23d of the preceding February.

I have read somewhere that Mr. Webster and Mr. Choate once entered into a Bet as to a line of Pope. On referring to a volume which contained it, Mr. Webster appeared to be in the wrong, but he, with clever adroitness, successfully challenged Mr. Choate to prove that the volume before them was *not* a spurious Edition, and won his Bet accordingly. So, in my case, I pleasantly presume, that should the newspapers, I referred you to, prove my version correct, your legal acuteness will cause me to be non-suited with costs, on the ground of the proverbial mendacity of all newspaper Reporting.

I can scarcely hope to be pardoned for trifling, as I am now doing, with time so constantly and so usefully occupied as yours, but it is a cheerful relief to turn, for a moment, from our gloomy present and doubtful future to the brighter and the better Past, and to even the slightest traits of character in the great and wise which having your very interesting sketch of the past recalls to our memory.

Believe me dear sir,

Truly yours,

Fitz-Greene Halleck.

Wm. Allen Butler, Esq.

I replied to both of the above letters as follows:

Trinity Building, New York, *Sept.* 23d. '62.

My Dear Mr. Halleck,

Your note of the 10th, inst. would have been answered before but for my absence from the city. On my return this morning, I find myself doubly in your debt by your added favor of the 20th. Please accept my thanks for both. I am truly gratified that my little venture in biography has succeeded so far as to elicit your friendly criticism and comment. I send the book by mail. As it was originally a newspaper article, all the presumptions are, of course, against its veracity, but as to the point in which you impeach it I can vindicate its truthfulness.

You will notice that I profess to tell the tale about the Tammany toast as it was told to me. If I was misinformed, it was by General Jackson himself. When my Father and I were at the Hermitage, in April 1844, he gave us this with many other reminiscences, and then repeated the toast as I have stated it. I made memoranda of these conversations at the time, which are now before me, and in which the toast is recorded as I have printed it. When I wrote the sketch of Mr. Van Buren I looked up the record in Parton's life of Jackson, and there found the toast substantially as you have given it. I thought of adding a note to justify and explain the discrepancy, but I dislike notes and finally acted upon the principle, for which I may fairly cite you as the latest authority, that in no case is the Historian to be believed. I confess that I did not imagine that any one who was present at the dinner would have the courage at this distance of time to avow it; but if I had thought of you, who have made yourself immortal, I should have made you an exception. *Nullum tempus occurrit regi.*

Now, my dear sir, I think you will admit that I have fairly raised a question of veracity between you and General Jackson and there I will leave it trusting that the "mighty Hector's shade" will not invade your slumbers with a demand for *satisfaction.*

Yours truly,

Wm. Allen Butler.

A final letter from Halleck closed the correspondence.

Guilford, Connecticut, *Sept.* 24 '62.

My Dear Sir,

I am very grateful for the kind present this moment received with your letter of yesterday.

I can well understand and, in doing so, can reconcile all conflicting differences, that the General in familiar conversation with you, expressed emphatically the sentiment intended to be conveyed in the Toast, without re-

calling or considering important, its exact words. Let us, therefore, leave them as a mythical theme for the Niebuhrs of the hereafter.

Should you think it worth your while to look at the Bradford Club Volume of Croakers, you will find on page 5 a pleasant account of the dinner from the pen of Dr. Drake, my companion at the table. To him and me who were, politically, indifferent spectators and on the lookout for subjects of merriment, the scene was delightfully amusing.

So sudden a transition from the most enthusiastic Hero-worship on the part of many near us, to the bitter words and more bitter silence of iconoclastic fury, has been seldom witnessed.

Fortunately the General outlived their indignation and so did they.

Believe me, dear sir
Yours truly,
FITZ-GREENE HALLECK.

WM. ALLEN BUTLER, Esq.

I have rapidly glanced over the Memoir and fancy that I can rightly name one of the persons alluded to on page 35, Jean Jacques Rousseau, not the only *forgetful* witness of genius, whose style like Othello's pocket handkerchief "had magic in the web of it."

A more famous toast, but one equally startling, was that given by General Jackson, April 13, 1830, at a dinner in Washington on the anniversary of Jefferson's birth. It was said that this was to be a nullification demonstration. Calhoun, the leader of the so-called nullifiers, was present, and was to make a speech in support of States' Rights. Jackson, who was in the second year of his presidency, saw the danger, and rising to his feet shattered the masked batteries of the banqueters by a

single fatal shot. He gave as a toast "Our Federal Union: It Must Be Preserved." This was at once a political platform, a campaign document and a declaration of war. Nullification, the name given to the attempted resistance of the State of South Carolina against the Federal authority, received its death-blow at that banquet. Calhoun, who was the next speaker, vainly attempted a rescue by the toast "The Union: Next to our Liberty the most dear: may we all remember that it can only be preserved by respecting the rights of the States and distributing equally the benefit and burden of the Union."

Nullification thus became a dead issue; and General Jackson told us at "The Hermitage," among many other things, that if Calhoun had persevered in the disorganizing and rebellious proceedings set on foot by him in South Carolina, he would have hanged him.

The General recalled his first impressions of Mr. Van Buren, who was a senator when General Jackson came to that body from Tennessee. "I had heard," he said, "of Mr. Van Buren's non-committalism, and I decided to make up my mind as to that on the first opportunity. An important question came before the Senate, and while it was being discussed by other senators I saw that Mr. Van Buren was taking notes and evidently meant to take part in the debate. So I made it a point to be in my seat when he came to speak. He made a very clear and able speech and when he had finished I turned around to my colleague, Major Eaton, who was sitting by me, and

said to him, 'Major, was there anything non-committal about that?' 'No, sir,' said he."

The most interesting memento of General Jackson in my possession is a letter written, while President, in his strong, bold handwriting to a young man in whom he took a deep and almost paternal interest, but who, up to the date of the letter, had been less studious than he had hoped. The letter exhibits qualities very characteristic of the writer and evinces a spirit of tender sympathy and affection so much at variance with the ideas which many were led to form of General Jackson by what was written and said about him during his public life, that I include it in my reminiscences of him, reproducing it exactly as it was written, without correcting the two or three errors in spelling which will be found in it, not very serious for those days.

WASHINGTON, *June* 13, 1829.

MY DEAR H——

I have just received your affectionate letter of the 25th, ultimo and hasten to answer it.

I am pleased to find that you are determined to adopt and follow my advice. I gave it with the feelings of a father and I am sure it will bring you into life happily and be the means of carrying you through life with respectability an honor.

I have a great wish that you should go to Mr. Otte, because I know him to be a religious, moral and honest man, capable of teaching you those branches that I have recommended to your study and a man who will guard your morals both by precept and example. But as you appear to have such unwillingness to go to Mr. Otte and has chosen Mr. Wellsford as your teacher should you not have secured Mr. Otte before this reaches you I yield

my consent that you may go to Mr. Wellsford but if you have entered with Mr. Otte, you must on no account leave him before your session terminates.

If you should, having been suspended from college, you never can regain your character and now is the time for you to obtain an education, which if you neglect, the day will come when you will sincerely regret your present mispent time. In a few years, you will be of age and without an education, unless you attend better to your learning than you have heretofore. I must again impress upon your mind the greatness of an education, and urge you for your own benefit, to great application in your studies so that you may at least be a good mathematician, as well as master of arithmetic, and that you learn to write a good hand and become well acquainted with orthography, in which I find that you are at present, very deficient.

When I review the great expense I have been at to give you an education, how many admonitions I have bestowed upon you, urging you to proper industry in your studies and application to your book, and now find you approaching to manhood without an education, having spent your time in idleness and folly, the tear trickles down my cheek and I supplicate my God that he may [guide] and direct you better for the future and console myself with the [promise] in your letter now before me, that my advice will be followed by you for the future—if it is, I freely pardon what is past, and will foster, and cherish for you in my boosom, those parental feelings that I have always had, and will bring you on here so soon as I find you have laid the foundation of a good education where you now are, where you can spend with me a few months, and become acquainted with your grand uncle Judge Smith now in the Senate of the U. States.

Write to me on the receipt of this informing me where you are, and the studies that you are engaged in and inform General Coffee who will furnish the funds to pay your board, schooling and clothing.

Andrew and Samuel, send their respects to you, in

which Capt. A. J. Donelson, Emily and Mary Easton unite with Major Lewis. Your cousin Andrew has written to you some time since, you must write to him often as well as to me.

Give my respects to Thomas J. Donelson and Mr. Steel and to all my friends in the neighborhood of The Hermitage. Tell the negroes *all* howde for me that I am glad to hear that they are well treated, and happy, that I wish them all to behave well and they shall be well treated and that I supplicate a throne of grace for them. I wish you to write me often, follow my advice and believe me yr affectionate father and friend.

ANDREW JACKSON.

In regard to political affairs we found General Jackson, in spite of the feebleness of his body, not infirm of will or purpose. He was ardent for the nomination of Van Buren for the presidency and for that of his friend and neighbor, James K. Polk, for Vice-President, and ardent also for the annexation of Texas to the United States. As to both nominations my father agreed with his views. Mr. Polk, as Speaker of the House of Representatives, had acquired a national reputation and was a man of high personal character. But the question of the annexation of Texas was one of serious difficulty. To deal with Texas as an independent sovereignty and to bring her into the Union by treaty, or other means, meant a conflict of opinion among our own citizens and a possible war with Mexico. In fact after the annexation there was actual war. Mr. Clay, who was generally expected to be named as the Whig candidate for the presidency, had not spoken on the subject nor had the presumptive candidate of the

Democracy, Mr. Van Buren, declared his views. During the period of suspense as to the open attitude which the two rival party chiefs would take on this momentous question, the Southern Democrats were violent in their efforts to secure the addition of the "Lone Star" State to the constellation of the Union, and to make immediate annexation a leading issue of the presidential campaign. By a coincidence, or as some think, the result of a mutual understanding between Mr. Clay and Mr. Van Buren, they published their views as to the annexation of Texas about the same time: Mr. Clay in the *National Intelligencer*, of Washington, April 17, 1844, within a few days after the appearance of a letter by Mr. Van Buren in the *Globe* of the same city. Both declared against the annexation of Texas as unwise and inexpedient, but neither placed his opposition on the ground of the vast accession to the slave power which would result by the incorporating of Texas within our domain. To the southern slaveholders the acquisition of Texas meant the strengthening of the system of slavery and the consolidation of its forces for resistance against attack and for aggressive advance, if need be, into new territory.

Even in the quiet and peaceful domestic circle of "The Hermitage" the dark shadow of slavery cast its baleful gloom. Mrs. Andrew Jackson, Jr., the wife of the ex-President's adopted son, was a devoted Christian woman, desirous of teaching and training the slave children on the plantation and in every possible way improving their condition. The laws of Tennessee forbade the giving of

instruction to slaves or teaching their children to read or write. This she felt to be a cruel hardship, and bitterly complained that her hands were tied so as to prevent her from leading these poor children along the path of intelligence and education. She, of all the women in Tennessee, was bound to obey the law which kept not only her slaves but herself in bondage.

[Another interesting memento of this visit to "The Hermitage," and of the friendship existing between General Jackson and my grandfather, is a lock of the former's hair found amongst my father's papers.

This lock of straight, soft, grey hair is still in its original wrapper of brown paper inscribed "General Jackson's hair, presented to Mr. Butler of New York. Hermitage, April, 23d, 1844."—Ed.]

CHAPTER X

RETURN TRIP TO WASHINGTON—MAMMOTH CAVE—PRESIDENTIAL CAMPAIGN OF 1844—DEFEAT OF VAN BUREN—EXPLOSION ON THE "PRINCETON"—SILAS WRIGHT—SECRETARYSHIP OF WAR OFFERED TO BENJAMIN F. BUTLER—HIS REFUSAL AND HIS RESUMPTION OF THE DISTRICT ATTORNEYSHIP IN NEW YORK—GEORGE BANCROFT.

BRINGING our visit to a close we came by stage-coach to Nashville, to Frankfort and Lexington, stopping on our way at Bell's Tavern to visit the Mammoth Cave, six miles distant therefrom. We spent a day in the cave, penetrating nine miles from the entrance and exploring it in every accessible part. While it is far more impressive and interesting than the famous cave of Adelsberg in Austria, which I visited some years later, for some reason it has never attracted the public to the extent of its European rival. Bell, who kept the tavern where we stopped, had never had the curiosity to go to the cave. He could do that any day and consequently had never done it.

Early on the morning of the 2d or 3d of May we stopped at a little inland Pennsylvania settlement and were greeted by a crowd, small in numbers but greatly excited in its enthusiasm over the Whig nominations for President and Vice-President, which had been made by the convention held in Baltimore on May 1. There were vociferous hurrahs for Henry Clay and his associate on the ticket with whose long name, probably never

heard of before, the enthusiasts were making the air vocal. Greatly surprised, I found it to be that of our near neighbor and my venerated preceptor, Theodore Frelinghuysen, chancellor of the New York University. He was one of the most serious-minded, sober-visaged and decorously-behaved of living men, and I wondered what would have been his feelings could he have heard the most exuberant and least sober of his admirers announcing for my information that this "Fre-lin-guy-sen is a bird of a fellow!"

It was just in the interval of time between our return home from "The Hermitage" and the assembling of the National Democratic Convention at Baltimore on May 27, 1844, that the conspiracy of the Southern leaders for the annexation of Texas and for the defeat of Mr. Van Buren for the presidential nomination, on the pretext of his opposition to annexation, came to its culminating point. Conspirators work in the dark, and it is difficult to prove their dealings. In a series of letters, written by Silas Wright, from his seat in the Senate Chamber, to my father between May 15 and June 3, 1844, under the strictest seal of confidence, and which have therefore never been published, I have very conclusive and interesting evidence of the development of the plans to destroy Mr. Van Buren's candidacy, notwithstanding the fact that a majority of the delegates to the convention had been instructed, and were pledged, to vote for him.

The situation at this time in regard to Texas was the result of a long series of intrigues on the part of the South-

ern leaders. Texas was a part of Mexico, but it lay in dangerous proximity to the Southern States; and, although slavery was prohibited by the Mexican law, emigrants from the United States had poured into the territory with their slaves, resisted the Mexican authority, and revolted against the rule of Santa Anna; then, after winning a decisive victory under the leadership of General Sam Houston, they had established their independence as the State of Texas and had been recognized as an independent government by the United States in 1837, and not long afterward by England, France and Belgium.

The idea of annexing Texas to the United States was in the air soon after the new republic had been organized, but public opinion at the North, represented by both the Whig and Democratic parties, gave it no favor. To annex Texas would mean that a vast area would be added to the slave-holding South, but up to 1843, there was no definite movement on the part of the slave-holders of the South to bring the coveted domain within the bounds of the United States. On the death of President Harrison in April, 1841, John Tyler succeeded to the presidency, threw off the allegiance to the Whig party by which he had been elected to the second place on the ticket, cast in his lot with the Democrats, and made it the chief object of his ambition to secure the annexation of Texas. Mr. Webster, who had openly declared his opposition to the scheme, retired from the Cabinet, in which he had filled the office of Secretary of State, and was succeeded by Abel P. Upshur, of Virginia, an ardent friend of an-

nexation, and an earnest coadjutor with Tyler in his efforts to bring about the desired result.

On February 28, 1844, while the President and members of the Cabinet were visiting the United States man-of-war *Princeton*, a new gun called "The Peacemaker," was tested, with the result that a terrific explosion occurred, by which a number of persons were killed, including the Secretary of State. Within a week after this distressing accident, as it would appear by the evidence of Henry A. Wise, a leading Virginia Democrat, and by his persuasion, the President called into the Cabinet, as Secretary of State, the most extreme and rabid advocate of slavery and slavery extension, John C. Calhoun, mainly for the purpose of hastening the cherished project of annexation. Calhoun acted with such rapidity that on April 12, 1844, a treaty of annexation was signed between Texas and the President of the United States, and on April 22 it was sent to the Senate. The secrecy and celerity with which all this had been accomplished had given the North no time or opportunity for comprehending the nature of the movement. As both Mr. Clay and Mr. Van Buren, on grounds of broad statesmanship, had declared against the policy of annexation, the two great political parties, of which they were the respective leaders, had hitherto stood aloof from a course which threatened to embroil the United States in a war with a friendly power, and the Senate eventually rejected the treaty by the decisive vote of thirty-five to sixteen.

It was while these machinations were in progress and

the treaty was before the Senate that Mr. Wright began the series of letters to my father alluded to above. Mr. Wright was surrounded by Democrats who had come to Washington on the eve of the convention, and whose chief aim was to compass the defeat of Mr. Van Buren as the Democratic candidate. Mr. Wright had been in the Senate for eleven years. No man had greater influence in that body or was more highly respected than he. He looked with the greatest alarm upon the project of annexing Texas, and his keen and sagacious foresight revealed to him the consequences which would follow the success of the intrigue going on about him.

The real issue of the presidential election of 1844 was the annexation of Texas. Mr. Polk had declared himself unconditionally in favor of it, the South accepted his unequivocal declaration in preference to the vacillating outgivings of Clay, and from the moment of the unexpected nomination of Polk the result of the presidential canvass was unquestionable. Mr. Clay had spoken against annexation, and although he made two efforts to explain his letters so as to satisfy the slave-holding element in the South, this only proved a venture, as Carl Schurz says, "upon that most perilous of manœuvres on the political as well as the military field—a change of front under the fire of the enemy." Mr. Van Buren and his friends stood by Polk at the polls.

To ensure united Democratic support in New York and to soothe the wounded feelings of the disappointed friends of Mr. Van Buren, Silas Wright was prevailed

upon to accept the nomination for governor. Contrary to his wishes and actuated solely by a sense of duty to the Democracy of the State he led the ticket for the governorship and carried the State for Polk and Dallas. The office of governor was distasteful to him, and he was bitterly disappointed at the outcome of all his services and sacrifices in the interest of the party. After serving out a single term as governor, and meeting defeat in his canvass for re-election, he retired to his country home at Canton, St. Lawrence County, where he died August 27, 1847.

After the election of Polk, President Tyler in his last annual message proclaimed that the verdict of the American people at the election in November was in favor of immediate annexation, and, in order to accomplish it as the crowning act of his administration, he used every effort to secure the result by a joint resolution of Congress, which, after long debate and several amendments, became a law and was signed by him as President. It authorized him to submit to Texas a proposition of annexation upon condition that slavery should be prohibited in all territory lying north of 36° 30′ north latitude, and acting on this authority, in the last days of his term he dispatched special envoys to Texas. Tyler obtained assent to the condition, and annexation was thus practically accomplished before the President-elect took the oath of office.

I think the hand of Robert J. Walker was in all this. A few days after the nomination he wrote to my father from Washington referring to Mr. Van Buren in most

exalted terms and saying: "Now that he is withdrawn I may say to you that the sense of public duty which compelled me to oppose his renomination gave me greater pain than any preceding act of my life." I suppose that no more repugnant tax can be levied upon human credulity than when a politician asks his former associates, whom he has deserted and betrayed, to believe that it was at the call of duty. Probably the same high sense of duty required him to advise Mr. Polk to put off New York with an offer of a place in the Cabinet which could hardly fail to be declined. In a letter to my father dated November 25, 1845, Mr. Polk writes: "The vote of New York was indispensable to our success. With her vote we could have lost several of the smaller States and still have carried the election; but without her vote we must have been defeated. . . . Mr. Van Buren and his friends, I am fully satisfied, have acted a magnanimous and noble part." With these assurances it was not unreasonable that those to whom they were addressed should have supposed that the chief place in the Cabinet of the newly-elected President would go to New York. But after he reached Washington he wrote my father again under date of February 25, 1845, as follows: "For reasons which are satisfactory to myself I have determined to look to the State of New York for my Secretary of War. Among all her eminent citizens I have selected yourself in preference to any other for that office and now tender it to you." Following this with the warmest expressions of regard, he said, among other things, "I most sincerely

hope that you will not hesitate to accept this office," and signed himself, "Most sincerely your friend."

My father promptly declined the President's offer, although urged by some of the other close friends of Mr. Van Buren to accept it in order to avoid the risk of Mr. Polk's giving the place to one of the leaders of a portion of the New York Democracy, who had grown jealous of the ascendency of Mr. Van Buren and his friends in the Democratic party and were now working in hostility to them. Prominent among these disaffected Democrats was William L. Marcy, a former Supreme Court judge and governor of New York, for many years closely allied with Mr. Van Buren, and the author, while in Congress, of the familiar phrase, "To the victor belong the spoils of the enemy." To the younger men around Mr. Van Buren it seemed indispensable that his interests, which they deemed identical with those of the party in New York, should have a representative in the Cabinet. Samuel J. Tilden, who was one of these, went to Washington to confer with Mr. Polk, and, if possible, avert the apprehended danger of his selecting a member of the Cabinet from the wrong wing of the party. In a long letter written from Washington, March 1, 1845, Mr. Tilden gave a graphic description of his interview with Mr. Polk and of the latter's warm expressions of friendship for my father and of regret at his declining to become a member of the Cabinet; but evidently the result of the interview did not encourage him to hope that anything, beyond the offer then made, would be done in the way of satisfying the

expectations of Mr. Van Buren and his friends. In fact, Mr. Tilden had hardly returned to New York from his fruitless mission when we heard that Governor Marcy was on his way to Washington to take the place of Secretary of War in the new Cabinet. From the circumstances I have thus related, I think it was always supposed by the immediate friends of Mr. Van Buren that Mr. Polk's course in the matter was treacherous; that the offer he made to my father was with the full expectation that it would be refused; that his turning away from New York for a Secretary of State, and giving that office to James Buchanan of Pennsylvania, was to strengthen his alliance with that portion of the party which was represented by Robert J. Walker, whom he made Secretary of the Treasury, as well as to rid himself of his obligations to his political supporters in New York.

While I think Mr. Polk, in the course he pursued toward New York, was greatly blamable, I cannot regard his professions of friendship to my father as wholly insincere. The latter was the one man whom the President wanted in his Cabinet from New York. He told Mr. Tilden, in the letter to which I have referred, that he regarded the Texas question as settled, Congress having brought that State into the Union, and he was sanguine that his administration would deserve the confidence and support of the Democracy of New York. But he yielded at the very outset to the demand of that portion of the party which had elected him and which the slave power was gradually enfolding in its fatal grasp. That the Presi-

dent's regard for my father continued, notwithstanding his refusal to enter the Cabinet, is shown by the fact that in the early days of March, 1845, he asked him to resume the office of United States District Attorney in New York. This my father did.

The appointment of George Bancroft, the historian, as Secretary of the Navy, was intended by Mr. Polk as evidence of his continued friendship with the immediate supporters of Mr. Van Buren. Bancroft had made a gallant though unsuccessful struggle for the governorship of Massachusetts. He had no special qualifications for the office he was called upon to fill in Washington, but as he was impulsive and sanguine in temperament, and quite anxious for political distinction, he did not hesitate to enter into close relations with Mr. Polk, and he favored a plan, which received some support from Mr. Van Buren's friends, that the ex-President should go as Minister to England, which Mr. Polk thought would be a very desirable thing. Mr. Bancroft wrote my father, "It is really a matter of public moment (and I think private comfort) for Mr. Van Buren to go to England. I do not think we are in great danger of a war but Mr. V. B.'s presence would indicate the love of peace. By going he makes himself a public benefactor." Mr. Van Buren thought otherwise and the plan fell through. The mission to England, afterward, came to Mr. Bancroft himself, and I think he found it a source of much private comfort as it was of public benefit and a happy deliverance from the routine work of the Navy Department.

I have devoted much space, perhaps too much, to the history of the intrigues connected with the schemes of the Southern leaders for the defeat of Mr. Van Buren and the annexation of Texas. I have thought, however, that this chapter of our political history, from fresh and undoubted sources, would not be without a special interest of its own, especially in view of the fact that this successful plot, with its inevitable consequence of the war with Mexico and the acquisition of the new Territories, gained as the fruit of our victories, became the chief means of the final overthrow and destruction of slavery and the slave power.

CHAPTER XI

ADMISSION TO THE BAR—VOYAGE TO EUROPE—"THE WANDERER"—ENTERTAINED AT CAEN—PARIS OF 1846—"VAUCLUSE"—THE YOUNG ENGLISHMAN AND THE QUEEN'S ENGLISH—TRIP TO GENOA AND NAPLES—ASCENT OF VESUVIUS—HOTEL AT POMPEII—THE LANDLORD'S ENGLISH—TRIP TO SICILY—ROME—POPE PIUS IX—LEPRI'S RESORT OF AMERICANS—POWERS'S "GREEK SLAVE"—TITIAN'S "ASSUMPTION"—FLORENCE—VENICE—LETTER HOME—BERLIN—BARON VON HUMBOLDT.

I WAS admitted to the bar July 10, 1846, at a sitting of the Supreme Court in Utica. As the Constitution of the State then stood I could be licensed only as an "attorney," the degree of "Counsellor-at-Law" requiring three years' previous service as attorney. But by an amendment made by the Convention of 1846 the distinction between attorneys and counsellors was abolished and a single examination and license sufficed for the acquirement of both titles.

On July 16, I sailed for Europe in the packet-ship *Havre*, for the port of that name, Captain Ainsworth in command, to be absent a year and five months. This European trip was the result of the kind and persistent persuasion of my classmate and close friend, George L. Duyckinck, who wished to carry out a long-cherished plan of European travel, which he declared he would not execute without my companionship. Yielding to this friendly compulsion, I occupied the interval between the end of my clerkship in my father's office and the beginning of

my practice as an attorney, in what was for those days a very extended tour in Europe. Captain Ainsworth declared the *Havre* to be the fastest sailing-sloop in the world. She had made the trip from New York to Havre in fourteen days and twelve hours, and with a good breeze had sailed in a single day three hundred and eight miles. She could make twelve or thirteen knots an hour. Our midsummer trip was not, however, a record-breaker, and our passage consumed twenty-four days.

The zest of travel belongs especially to youth. Shakespeare says "Home-keeping youth have ever homely wits," and certainly nothing so broadens the mind or expands the intellect as intelligent observation of men and things the world over. To turn a studious, thoughtful and observing young man into a traveler is to furnish him the information of an encyclopædia without the need of scanning any pages except those of his guide-book. Every faculty of his being comes to his aid, the will, the imagination, the courage that defies danger, the perseverance that insures success, and the satisfaction of rest after toil; and even though the eye is not satisfied with seeing and the ear with hearing, the uses and memories of travel are among the best possessions of later life. How often, in those remote days, before Europe became a network of railroads, youthful wanderers, crossing on foot some mountain pass with knapsack on back and alpenstock in hand, stepped aside while the lumbering diligence, overcrowded by commonplace passengers, passed them on its creaking way; or the well-appointed traveling carriage dashed by—pos-

tilions cracking their whips, my lord and lady lolling inside, and the all-important courier and scarcely less important lady's-maid in the rumble—all casting looks of pity, perhaps of scorn, on the pedestrians. At the end of the day's journey, however, when our belated pedestrians trudged into the inn, where the occupants of the lumbering diligence and the well-appointed travelling carriage were either finishing the evening meal at the table d'hôte or monopolizing all the possibilities of luxury the hostelry could furnish, they satisfied their appetites with a keener relish and enjoyed their night's rest with a sounder sleep than all the others.

[Not only to my father's youth did this zest of travel belong, but to every period of his life. All journeyings, whether brief or lengthy, brought him keen enjoyment, making it a delight to travel with him.

A little poem written about this time is as indicative of his feelings in later life as of his earlier sensations.—ED.]

THE WANDERER

O rare delight of seeing,
O joy unchecked of being
Abroad and free, in this wide world of ours!
Such pleasure the birds have,
Winging o'er wood and wave,
O'er meadows bright with dew, bright with perpetual flowers.

Still fares the wanderer forth,
And still the exhaustless Earth
With all her treasures greets her wayward child;
For him, on all her shores,
She spreads her countless stores,
In sunlit beauty strewn, or solemn grandeur piled.

The plain at early light;
At noon, the mountain height;
At eve, the valley, with its shadows deep;
At night, the cataract,
Or ocean's boundless tract,
With ceaseless rush of waves, or murmurs soft as sleep.

To-day, the crowded mart,
The sacred shrines of art,
The domes of empire, the cathedral vast;
To-morrow, the wild woods,
Or desert solitudes,
With shattered temples strewn and fragments of the past.

Tempt not my feet to stay;
Along the upward way,
Across the earth, across the sparkling sea,
Beyond the distant isles,
The far horizon smiles,
And where its voices call, thither my steps must be!

On our embarkation from New York, my friend, Theodore Sedgwick, an eminent son of the eminent jurist of that name, introduced me on the deck of the *Havre* to a French lady, who had been passing some time in the United States and was returning to her home in Caen, an ancient city of Normandy, the burial place of William the Conqueror. She was the sister of the Procureur du Roi, of the Department of Calcados, and was a most intelligent traveling companion. Before we reached Havre she had engaged us to visit her family, at her home. Accordingly, soon after our arrival, we found ourselves enjoying the hospitality of Caen on a most liberal scale.

It was a piece of rare good fortune that immediately

after setting foot on the soil of France we had the opportunity of being welcomed into the home circle of a charming provincial family that was a center of influence. We found that the Procureur, who devoted himself to us and showed us the public institutions of Caen, was everywhere received with visible tokens of respect. After spending two delightful days in the old city, supplemented by some walks in Normandy and a visit to Mont San Michel, we made our way to Paris.

The Paris of 1846, in the sober reign of Louis Philippe, "King of the French," as he styled himself, although not what it became under the Second Empire and the reconstructive sway of Baron Haussmann, was, nevertheless, in grandeur and gayety, the capital of the world. All the old historic landmarks were still there; the treasures of art in the galleries of the Louvre, and the incomparable façade of the Tuileries with all its souvenirs of royalty. At one of the tower windows of this palace I saw the little Comte de Paris held up for the admiring gaze of the outside public when he was only a few months old, the presumptive heir of the throne of France, which he was destined never to gain.

In Paris I made the acquaintance of Theodore Metcalf, of Boston, a son of Judge Theron Metcalf, of the Supreme Court of Massachusetts. Being like Duyckinck and myself foot-free as a traveler, he cast in his lot with us, and we formed a party just filling the coupé of the diligence, the most desirable compartment of that lumbering public conveyance.

We traversed southern France, lingering at Vaucluse, Rheims, Arles, Avignon, and Marseilles; and going thence by steamer to Toulon, made our way along the Cornici road between the mountains and the sea to Genoa.

[During this foreign tour my father wrote a series of letters, still extant, to different members of his family at home. These letters, combined with his note-books, would of themselves form a volume of no small size and of no little interest.

There is in them not only the buoyancy of youth, but the philosophy of a mind unusually mature. Touched also with a merry wit, they produced a result eagerly anticipated by those to whom they were addressed.

The temptation to introduce extended extracts from these letters into the brief sketch of his trip as found in these reminiscences has been almost irresistible. As, however, this might give undue prominence to a mere episode of travel, only a few notes have been selected, bearing upon those moments when enthusiasm found expression in "simple strains where truth and passion meet," even as he described in these words the "melodious breathings" of his then favorite poet Uhland.[1]

At Vaucluse the combined charm of scenic beauty and literary association inspired this sonnet.—Ed.]

VAUCLUSE

Less because Petrarch and his Muse have made
  These hills and streams immortal as his fame,
  Linked in melodious verse with Laura's name,
Than for thy sake, O Nature! have I strayed
To this wild region. In the rocky glade,
  Deep at the mountain's base, the fountains keep
  Their ceaseless gushing, till the waters leap

[1] See "Uhland" in "Nothing to Wear and Other Poems," edition of 1899, p. 169.

A mighty torrent from the endless shade;
A moment linger there in glassy rest,
Break on the craggy steep with foaming crest,
Then thunder through the chasm, swift and strong!
So burst the Poet's passion from his breast,
Noiseless and deep and pure, to flood erelong
The listening tracts of Time with ceaseless tides of song!

Railroads being unknown, this splendid highway skirting the northern shore of the Mediterranean, of all routes of travel in Europe perhaps the most desirable, was the favorite for making the journey from France to Italy. It avoided the mountain passes and secured for the tourist a wonderful variety of the most picturesque scenery. On our way we fell in with many travelers pursuing the same route. Among these we encountered the equipage of a certain lord lieutenant of one of the counties of England, Sir William Frazier by name, with whose progress we became quite familiar. When we reached Genoa a young Englishman with high social connections, who was stopping at our hotel, attached himself to our party, never dreaming that we were other than true-born Britons, and confided to us his plans, among them an intended visit to the Nile, where he had heard there was good shooting. Metcalf with great gravity cautioned him against shooting an ibis, which, he told him, was the sacred bird of Egypt. The young man was very grateful for the information, and, following Captain Cuttle's advice, made a note of it.

While we were all at dinner one day a letter was brought in to our young friend, which he opened and

read. He then informed us that it was from Sir William Frazier inviting him to accompany Sir William to Rome in his carriage. He excused himself, and went into an adjoining room to write an acceptance of the invitation. Some weeks later an English friend of ours, Mr. Turbett, who happened to be with Sir William when the acceptance was received, gave us the text of it *verbatim et literatim*, as follows:

"The Hon. . . . . presents his compliments to Sir William Frazier and as I am going to Rome he will be very happy to take a seat in your carriage."

Thus did the Queen's English suffer at the hands of one of her titled subjects.

Keeping to the coast, with a détour to Pisa, we made our way to Leghorn and there embarked in the little Italian steamer *Virgilio* for Naples. This should have been a short voyage, broken only by touching at Civita Vecchia, the port of Rome, but we encountered a storm which drove us out to sea. On regaining the coast the captain was compelled to put into a small bay, which proved a place of refuge in which to ride out the storm. After this, on reaching Civita Vecchia, we concluded to make a long stay, so that we did not reach Naples until the fourth day after leaving Leghorn.

We lingered at Naples to make excursions to all the places of interest on the shores of the bay. We made a long day's exploration of the classic region which embraces the villas of Cicero and Lucullus, the Lucrine Lake, and the Elysian Fields, as well as the ruins of Puteoli,

said to be the most ancient town in Italy. On our homeward way we had a wonderful view of Vesuvius. The smoke rose in a huge column straight into the sky; not a cloud near it. Turbett, our English friend, proposed, half seriously, a night excursion to the top to see the sunrise. I was ready for anything of the sort, though nobody else was; so Turbett and I agreed to go, and did go, and the night we made of it was more wonderful to me than any of the Thousand and One.

After dinner we made our preparations and left Naples at half past-eight o'clock in the evening. I had just received letters by the *Great Western*, and these had quite recruited me after our hard day's work. At Portici we roused a guide, mounted our ponies, and by eleven o'clock had reached the Hermitage after a pleasant moonlight ride. On our way up we saw that there was an unusual amount of flame puffing out of the crater—a steady stream, instead of the occasional burst we had been accustomed to see. At the Hermitage we found no sign of a hermit, but a couple of soldiers stationed there to guard, not against eruptions, but against improper persons. A shabby fellow in charge could give us no accommodations beyond a settee apiece in a very cold room. Our plan was to sleep at the Hermitage till five o'clock and then ascend for the sunrise. My friend Turbett managed to get some sleep, I hardly any—fortunately, for otherwise we should not have accomplished our purpose, the guide being fast asleep when five o'clock came, and nobody but myself awake.

We started at once, leaving the horses at the Her-

mitage. But it was a long, rough walk to the foot of the summit, and quite exhausting. I found our previous day's journey and want of sleep a bad preparation for the tremendous climb before us, and when quarter of the way up I felt as if I should never see the top. I realized what "thorough exhaustion" meant; but after a little rest, and the assistance of an opportune brandy flask, I managed to recover and in about an hour and a half we got well up to the top. It was still dark, except for the moonshine, and when we gained the summit the view that broke upon us was stupendous. The steady blaze was accounted for; there had been an eruption and the new lava, a tremendous stream of fire, twenty or thirty feet broad, was rolling from the foot of the cone (the flames came out at the top, the lava issued from below) across the scorched plains to the edge of the mountain. To call it a stream of fire comes as near the reality as possible, but it must not be supposed that it flowed as fast as water. It rolled along very much as a huge mass of mud would do; at the rate, as I judged by comparing its course with stationary objects, of from two to three miles an hour, in some places faster, in others slower, as the channel was unobstructed or otherwise. The part of the area in which we had stood when previously on the mountain was covered entirely by the stream, and it was almost impossible to approach anywhere near it by reason of the extreme heat. We mounted to one of the ridges, and sat there looking at the torrent winding its way slowly along, as we waited for the sun to rise.

In the mean time the views all around were most superb, and I hardly knew where most to fix my eyes, whether on the bright plains and sea and islands below, or on the mountain itself, or on the hills over which the sun was making his way. After the sunrise, which was fine, though somewhat obscured by clouds, we told the guide to take us across the lava, and said that we would mount to the top of the cone itself; for we had been watching the showers and perceived that on one side of the cone the stones never fell. He led the way and we followed. It was like walking over plates of burning iron, though we went far out of the way of the stream. Although I wore cork soles there were some places where my feet could hardly endure the heat. In every crevice under our path the blaze was perfectly bright and the atmosphere all around like that in a furnace. It was worse around the fountain-head of the lava. At the foot of the cone there was a vapor bath of sulphur such as I hope never to have to take again. The whole air was Tartarean. It penetrated into one's lungs and almost stopped the breath. All we could do was to stuff our handkerchiefs into our mouths and call to the guide to run. I can not tell how rejoiced I was to get out of this pestilential region.

At the foot of the cone we waited for a shower and then in the interval climbed up. It was like going up a hill of writing-sand,[1] an all-fours proceeding and a very severe one, but at last we stood on the highest point.

[1] Alluding to the fine dark sand which preceded the use of blotting-paper.—Ed.

Nothing very important was to be seen. A shelf projecting over the crater on the inside prevented a view into the interior and the thick column of smoke wrapped everything in continual obscurity. I pitched a piece of lava into the crater, and watched its downward course until it disappeared in the smoke. Then we went down the cone at full speed. The guide told us to hurry, for the lava was making its way down to the path; so we ran on, halting in front of the stream for a minute or two, to watch it as it came tumbling and rolling, slowly and surely, in a straight course for the very path by which we ascended. Then we slipped and slid down the steep side, joined the horses, and had a glorious gallop down to the plain. I was thankful to have accomplished the trip in safety and to have seen this sight, the most wonderful I ever saw or expect to see.

On our way up we had met a man, an Englishman, who was being carried in a chair to Patrici. We found afterward that he had broken his leg on the mountain. All the "labors, dangers, and suffering" we had undergone—and I have not expanded on these as much as I might—left us with no injurious effects. We joined Duyckinck and Metcalf at Patrici, and the same day went to Sorrento and then crossed to Capri. Returning to Naples the next evening, we saw the side of Vesuvius covered with the still blazing stream of lava.

On one of our excursions outside the entrance to Pompeii I made a transcript of the following advertisement of a newly established hotel. I presume it has

found its way into print before this and been passed on to fame by other tourists, but I want to do my share in giving it immortality as a specimen of "English as she was wrote" at the gate of Pompeii in 1847:

"Restoration Hotel. Fine Hok.
Kept by Frank Prosierpi
Facing the Military Quarter
At Pompeii.

"That Hotel open since a very few days is renowned for the cleanness of the apartments; for the exactness of the service, and for the excellence of the true french cookery. Being situated at proximity of that regeneration it will be propitious to receive families, whatever which will desire to reside alternatively into that town to visit the monuments new found and to breath thither the salubrity of the air.

"That establishment will avoid to all the travelers, visitors of that sepult city and to the artists (willing draw the antiquities) a great disorder occasioned by the tardy, and expensive contour of the iron-whay—People will find equality thither a complete sortment of stranger wines and of the King-Dom, hot and cold baths stable and coach house, the whole with very moderate price.

"Now all the applications and endeavors of the hoste, will tend always to correspond to the tastes and desires of their customers, which will acquire without doubt, to him, into that town the reputation whom he is ambitious."

A novel and adventurous, perhaps foolhardy, bit of travel was our tour through the Island of Sicily, crossing the interior from Palermo to the sea and thence by Catania and Ætna coastwise to Messina. Our object was to see the ruins of Segeste, Selinunte, Girgenti and Taormina. With a trustworthy guide, a muleteer and a small boy, our party of four, Turbett having kept with us, made a respectable caravan. We made our way, day after day, over mountain passes, through rough bridle-paths and long stretches of scenery, stopping at forlorn and filthy hostelries, fording swollen rivers, at the brink of one of which we were brought to a stand-still and compelled to take refuge in the barn-loft of a farmer, who gave us shelter for the night and where perhaps we were in greater danger than we thought. Not so much, however, as when we undertook to cross the river, swollen and rapid, two men holding each mule to prevent its footing being swept away by the waters. Fortunately we all crossed in safety.

The ruins of Sicily, especially those of the ancient Grecian temples of Girgenti, are magnificent, but the island of Sicily, when we traversed it, was a deplorable and disheartening sight, apparently as far behind in all the arts of civilization as when the Saracens and the Normans held it under control. One memorable morning in the early sunlight, as I rode on, somewhat in advance of my companions, a turn in the road brought me in full view of Mount Ætna, a snowy mass rising above the plain and of such gigantic bulk as to dwarf the memory of Vesuvius

into insignificance. It was one of the grandest, most awe-inspiring of spectacles, losing none of its impressiveness in the many views we had of it afterward, in ascending as far up as we were able to go on the only possible pathway. Never were tired travelers more rejoiced to find a resting-place than was our worn-out party when, at the end of our fourteenth day of rough riding, we reached and were able to enjoy the comforts and luxuries of one of the most charming hotels we had found in Europe. It was kept by Signor Abbate. Poor Abbate! He met with a sad fate. In 1848 the revolutionary days came on, and there was uprising and firing in the streets of Catania, as in other cities in Europe. Impelled by curiosity, our worthy host went around the corner from his hotel, and a bullet, either by chance or design, ended his beneficent life.

Nothing became our visit to Sicily so well as the ending of it. We found that a steamer for Naples was to leave Messina early on a mid-week morning and we timed our arrival on the evening before its departure. Reaching the hotel we notified the proprietor of our intention to sail the next morning for Naples and were met by a look of astonishment and an emphatic "Im-pos-si-bi-le." "Why impossible?" we asked. "Because, Signori," exclaimed the landlord, "your passports must go to the chancellor to be examined and approved, which will take one day, and on the next day to the prefect of police to be viséd before you can depart, and you will have to wait for the steamer of next week." This was all an exceedingly agreeable situation for mine host, but cor-

respondingly disagreeable for his four American guests, who speedily found a plan to escape from his clutches and from the Island of Sicily.

After a hearty dinner we engaged the services of a clever cicerone, ascertained from him the lodgings of the chancellor whose duty it was to examine the passports and certify to our good character, and engaged him to be at the hotel very early the following morning. Rising betimes we had our luggage conveyed to the pier, off which at some distance in the harbor lay the steamer, accessible only by small boats. Then we made our guide, who was somewhat amazed at our audacity, conduct us to the dwelling of the chancellor, whom we got out of bed and into a dressing-gown. Pleading the urgency of our case, we asked the extraordinary favor of an immediate examination of our passports and permission to depart from the island. He was a very good-natured official. Being satisfied, after an examination, that we were not dangerous to the peace of the realm, he took pen and paper, and drew a deposition, which we all signed; and he then endorsed our passports in due form. With many thanks and profound salutations we took our leave. "What shall I give him?" said I to the cicerone. "One piaster," he replied and the chancellor's fingers closed over the coin. We hurried to the office of the prefect of police, who had just seated himself at his desk for his day's work, a surly figure. After a glance at the chancellor's certificates he affixed his visé to our passports without a word, and we filed out of the office.

"What did you give the prefect?" asked our guide.

"Half a dollar," I replied.

He uttered an exclamation of surprise.

"You should have given him a great deal more."

"I only gave the chancellor a dollar," was my reply, at which, to my consternation, he said, "The chancellor is nobody, a mere clerk, while the prefect"——

It was too late to correct my blunder and we were on the full run to the pier. The funnels of the steamer were smoking and she was on the point of steaming away when our small boat overhauled her, just in time for us to gain her deck whence we saw the receding shores of Sicily gradually sink out of sight.

[The party of young men returning from Sicily took a second look at Naples and then went directly to Rome, where they spent three weeks. In a letter dated February 18, 1847, my father writes to his mother:

"We got here Saturday night the 30 of January, a date less interesting perhaps to you then to me, who am inclined to think Rome, after all, the place of all others most worth such a pilgrimage as we are making. . . .

"We are very comfortably settled—after spending one day at a Hotel, we spent nearly the whole of another in a search for lodgings, renewing our Parisian experience in a similar emergency of half a hundred flights of stairs and innumerable suites of 'apartments' of all sorts, shapes and sizes, except the right ones. Finally after exploring a great part of the Modern City to no purpose, we found, within a dozen doors of our Hotel, the very thing we wanted. . . .

"Our landlady is most assiduous in attentions, and we have the very 'ne plus ultra' (being at Rome you see revives one's classical habits) of '*cameriere*' (Anglice—

'chambermaids') in an old woman whose sole pervading idea appears to be our comfort. I think you would highly approve of her, for she insists amongst other things on having our boots over night, putting us all into slippers, sometimes at a very early hour." . . .—ED.]

It was nine years since I had been in Rome. While I saw little change in the medieval dirt by day and darkness by night I found the body politic had undergone a great change. Gregory XVI had been gathered to his fathers and fitly entombed in St. Peter's. Cardinal Mastai Ferretti, fifty-five years of age, of a noble family, first a soldier and afterward a priest, had become Pope under the name of Pius IX. His comparative youth, his fine figure, his benignant presence, his liberal views and his supposed friendliness to reform, conspired to make him an ideal pontiff. His accession to the Holy See was greeted with enthusiasm throughout the states of the Church on the part of the promoters of advanced ideas, and the new Pope immediately established a lasting popularity with the people. It was told of him that, on taking possession of the Vatican, he reduced the daily expenses of the table for his own service from two hundred scudi, the Gregory outlay, to three scudi; he had gone incognito to visit a poor woman who had fallen downstairs; had graciously received, as he was entering St. Peter's to say mass, from a poor man a bouquet, and placed the flowers in front of him on the high altar, where, in fact, I saw them a day or two afterward. I had the opportunity of observing him at numerous functions, such as the in-

vestiture of newly appointed cardinals in the palace of the Quirinal, and the many services of Holy Week to which the new pontificate gave unusual interest. I saw him in the celebration of mass, in the washing of feet of the twelve apostles (represented for the occasion by well-selected pilgrims), and in his bestowal of the papal benediction from the front balcony of St. Peter's upon, perhaps, as large a concourse as had ever been gathered in the great Piazza. On all of these occasions he was always the same—dignified, graceful and benevolent.

At this time the Pope and the cardinals moved freely with the Roman people, and their splendid equipages were familiar sights in the streets of the Eternal City. Wherever and whenever the Pope appeared he was greeted with every token of affection, while the cardinals, without exciting enthusiasm by their presence, furnished by their black horses and highly decorated attendants a sight always pleasing to the populace.

All this was afterward changed. Like Louis Philippe, whom we had seen in what seemed to be his secure seat of power in Paris, Pius IX. was soon to be a fugitive from his palace; not indeed, like the French king, doomed to foreign exile, but destined to be shorn of his temporal power, stripped of his dominions and forced to elect a voluntary imprisonment within the walls of the Vatican.

But we were happy in the enjoyment of the early auspicious days of the new pontificate. We shared this enjoyment with many good American friends, which made the winter of 1847 in Rome memorable for charming

American companionship. Of the young men who dined together at the "Lepri," and then adjourned to the Caffé Greco in the Via Condotti, were many who were to attain eminence in later life. George William Curtis, John F. Kensett, Thomas Crawford, Thomas Hicks, Luther Terry, and Christopher P. Cranch were among them. The Caffé Greco had, in the rear of the premises, a long narrow room, with seats on either side, like a stationary omnibus, and there, night after night, a company of Americans, who hailed the advent of Pius IX as the dawn of a new era, discussed art, literature and politics. When in 1898 I was in Rome for the last time I looked for the ancient café, but found that it existed only in name, and had fallen to the base uses of a common wine-shop.

Probably for the first time since the American Revolution we managed, but even then under the surveillance of the pontifical police, to celebrate Washington's Birthday by a dinner in Rome. It was attended by nearly all of the American tourists, and the encomiums of Pius IX, blended with the memories of Washington, were as sincere as they were patriotic.

[In Rome my father enjoyed the friendship of Hiram Powers, then in the height of his fame.

In a letter home dated April 21, 1847, my father says: "I see a great deal of Powers, and am delighted. The Greek Slave is just on the point of being shipped for the U. S. The owner, a gentleman of N. Orleans, has given permission to have it exhibited all over the country, for Power's benefit, of course. It will be first at Boston,

and then at N. York. But I hope it will not come to the latter place before I get home, for I want the pleasure of going with you to see it. It is the greatest work of the age—I mean this actual age—whether greater altogether than anything of Canova, I am not prepared yet to say what my opinion (this of course only for my own satisfaction) is. But to compare it with the single works of the same class, as for instance Canova's Venus at the Pitti Palace, it is far superior, and so everybody says. He is hard at work now. The Slave has been ordered by several persons—Lord Ward the last, and two or three copies are going forward now in the studio. The Eve as perfect in its way is soon to be put in marble—and in the mean time he has orders innumerable. His bust of the Grand Duchess, a splendid thing, has put him in great favor with the Court here, and his reputation a stranger soon finds to be of that permanent, established sort that nobody thinks of contradicting or arguing about. He has a bust of Genl. Jackson which ought to be in New York and I think on the strength of the excitement that will inevitably follow the exhibition of the Statue it will be an easy matter to get it ordered."

From Rome the travelers journeyed to Florence and thence to Venice, whence my father writes enthusiastically to one of his sisters:

"What shall I tell you now about Venice—of all places the most satisfying coming the nearest to expectation and fancy always beyond reality, the most novel, and perhaps most charming chiefly for that very reason. I was enchanted with Venice, and our stay there, though only a week long was complete and left nothing to regret—every day clear, bright and warm, every night beautiful with a growing moon. So we wandered about, sometimes walking, sometimes sailing—'one foot on sea and one on shore' with the freshest sense of enjoyment, as in an enchanted region, for there is nothing familiar to us on terra firma that Venice can be compared to—it is unreal, dream-like and the satisfaction one has in it resembles more than anything I know of the exhilarating delights of childhood.

As Mrs. Jameson says 'O! to make children of us again—nothing like Venice!' To hear no sound of hoofs and wheels, to see no dust blowing across the streets into your open windows—to be in a great city without a single consciousness of bustle or noisy trade or any of the desagrements of a crowded population, so that even in the great square of St. Mark you can sit quietly with a thousand people besides, a whole evening, as in a vast palace court with nothing to disturb you—to say nothing of gondolas and palaces and famous pictures, and grand churches, and the sea all around with sweet islands for sunset excursions—nothing of associations historic and poetic—or rather to include all these in the sum total, and still what idea of Venice can I give you."

Here at Venice he composed another one of those poems of travel which indicate, as it were, the high-water mark of enthusiasm and emotion.—Ed.]

TITIAN'S "ASSUMPTION"

Burst is the iron gate!
And, from the night of fate,
Out of the darkness and the gloom abhorred;
Amidst the choral hymn,
With cloud and cherubim,
The Virgin leaves the tomb—arisen like her Lord!

Free in the heavens she soars,
While the clear radiance pours,
Like a vast glory, round her upward face;
And higher still, and higher,
With the angelic choir,
The soul by grace regained, regains the realms of grace.

In mortal shape! and yet,
Upon her brow is set
The new celestial glory, like a crown;
Her eyes anticipate
The bright eternal state;
Her arms to heaven extend; to her the heavens reach down!

We, with the saints beneath,
Half lose our mortal breath,
With sense and soul still following where she flies;
They, rapt into the light
Of the miraculous sight—
We, of the wondrous art that gives it to our eyes!

After Florence, Venice, and Vienna, we found at Berlin a pleasant welcome from our Minister, Major Andrew Jackson Donelson, whom I have spoken of before as the private secretary of General Jackson during his presidency and who, with his charming family, were now at the Prussian Court. Henry Wheaton, who for sixteen years had represented the United States at Berlin, first as chargé d'affaires and then as minister, was a scholar and an author well fitted for a diplomatic post which gave him full opportunity to follow his favorite pursuits. The whirligig of politics had removed Mr. Wheaton and substituted in his place Major Donelson, who took me to Potsdam to visit Baron Von Humboldt, then living in the palace with the king and on very friendly terms with the American minister.

We found the great naturalist established in rather shabby quarters in the palace. He received us in a room bare of any adornment and sparsely furnished. We had a long and very pleasant interview with him. He spoke English perfectly, went over some of his experiences in Mexico, and seemed really interested in doing the talking, to which I listened with the deepest interest.

CHAPTER XII

LONDON—BREAKFAST WITH SAMUEL ROGERS—HIS TABLE TALK—LETTER FROM MRS. GEORGE BANCROFT—LITERARY CELEBRITIES—CONTRIBUTIONS TO "THE LITERARY WORLD" AND "THE DEMOCRATIC REVIEW"—POEMS OF TRAVEL—RETURN HOME—MEXICAN WAR—TREATY OF GUADALUPE HIDALGO—WILMOT PROVISO—PRESIDENTIAL CAMPAIGN OF 1848—FREE SOIL PARTY.

PRESIDENT POLK early in his administration had relieved George Bancroft from the uncongenial post of Secretary of the Navy and appointed him Minister to England. My visit to London in the fall of 1847, which completed my long European tour, was made most agreeable by the kindness of Mr. and Mrs. Bancroft in enabling me to meet the men whom I most desired to see. At his rooms in The Albany, where he lived very simply, I met Lord Macaulay, who was in one of his most genial conversational moods and I listened in breathless silence while he gave a monologue on the Temple and the Rules of the Order. Carlyle we visited at his house in Chelsea. Emerson had been there as a guest, and Mrs. Carlyle, who seemed to be a somewhat matter-of-fact person, declared she could hardly make him out. I have an indistinct recollection of a certain querulousness in Carlyle's tone which, I suppose, was natural to the philosopher, and was characteristic of his more public outgivings.

Lord John Russell, Hallam, and other notabilities were within the circle of my brief opportunity.[1]

Samuel Rogers, banker and poet, author of "The Pleasures of Memory," retaining at an advanced age all his faculties and enjoying the evening of his life with his many friends, was fond of entertaining Americans in his handsome house fronting St. James Park, and, one morning, in company with Mrs. Bancroft, I was invited to breakfast with him. He was a very genial host, full of anecdote and table talk. Perhaps he said the same things a great many times to different guests at successive breakfasts, but some of the good things I brought away may not be unworthy of record. We were received in a drawing-room looking out on the park and having one of those large bay-windows which actually let in light and warmth even in London. The room was hung with the gems of Rogers' collection of pictures, and crowded with his virtuoso treasures.

[On his return to his lodgings after breakfasting with Rogers, my father wrote in his diary, by one of his remarkable feats of memory, a full account of this visit. It is too lengthy to admit of its being introduced here in

[1] My father and his friends, at this time were living in London in lodgings at No. 40 Craven Street, concerning which he wrote to his mother on November 16, 1847:

"We are very comfortably off. We live in Craven Street (Strand), which was immortal previous to our taking rooms in it, by the famous epigram of James Smith of "Rejected Addresses" memory which ran thus:

'In Craven Street, Strand, twelve lawyers find place,
'And fifty coal barges lie moored at its base,
'Fly honesty, fly, to some safer retreat,
'For there's craft in the river and craft in the street.' "—Ed.]

its entirety, but certain extracts are given illustrative of Rogers' collection of *objets d'art* and of his brilliant table talk, for both of which he was deservedly famous.—Ed.]

He is infirm and old, like the Last Minstrel, much bent and tottering as he walks. His face is not remarkable. It does not indicate the poet any more than the banker. It has the faded feebleness which accompanies extreme old age always, the placid benevolence which dignifies it sometimes.

We remarked on the beauty of the morning. "It is very kind of you to notice it," he said. "You who have so much splendor in America." And then, as a kind of corroboration of the superiority of our climate, he brought out a book of paintings of American autumnal leaves, which had lately been presented to him.

Speaking of the rarity of sunshine in London, he added, "Do you remember the answer of the Persian to the Englishman, who said to him, 'You worship the sun in your country, don't you?' 'Yes,' replied the Persian, 'and so would you—if you ever saw him.'"

His book of autographs lay on the center table. He opened it to a splendid three-page letter of Washington to Hamilton, written when he was deliberating whether to serve the second presidential term. "Our country has never produced such a man as Washington," said Rogers, and I doubt if it ever will."

Mrs. B. "But you have such a galaxy of great men in England, even Washington can be spared."

Rogers shook his head—and then taking up a book that lay on the table, he added, "I don't think our country has a much better historian than this, or (taking up another) a much better poet than this." The first book was Prescott's "Peru," the second "Bryant's Poems."

Rogers said he had seen Bryant, but he was so shy that it was difficult to draw him out. He (Rogers) spoke of his editorial occupations as a misfortune.

He showed us a book which some one had given him *printed* by Franklin.

"Franklin," said he, "came next to Washington." Then speaking of the Revolutionary War: "I remember very well the night my father, as he opened the Bible for evening prayers, said to us children, 'The siege of Boston is begun.' From that time all our sympathies were with you; the surrender of the army gave us great joy."

He knew of one man, who, when the war broke out, was a shipper of artillery in government employ; he threw up his place when ordered to send supplies to America saying, "I cannot ship artillery against my own countrymen." Of another person of consequence, who sent for his tailor to measure him for a suit of mourning; said the tailor, "You have lost some friend, some relative?" "Yes," he replied, "many—at Lexington."

On the way to breakfast, Rogers showed us a sketch by Turner. It hangs in his library. The subject is Stonehenge, with one of the artist's most terrible, hurly-burly skies overhead, "enough to frighten anybody to look at," said Rogers. At the table the conversation naturally turned on Turner.

Our host ridiculed Ruskin's new book ("Modern Painters") in which Turner is so overpraised. He sent a servant to the library for the book, and on its being brought, read an extract in which Turner is likened to the angel of the Apocalypse standing with one foot on the sea, and the other on the shore, etc., as the very climax of absurdity.[1]

Rogers spoke of the National Academy of London. "It is beginning to attract attention abroad, there are so many fine things there," said he. I alluded to the small number of Van Dycks one sees there—thinking it strange that while there are so many all over England, and as Van Dyck was almost an Englishman himself, there should be only two or three of his pictures in the Academy.

Rogers said, "The Van Dycks that are 'all over England' are not the best specimens of his style. His best

[1] I have since looked in the book in question for this passage, but cannot find it. It must have been suppressed in later editions than that which Rogers read from, as too Ruskiny to suit any portion of the public taste.—W. A. B. 1900.

pictures were painted before he left Holland. After he got here he found that the ladies liked to see themselves painted with very long, thin fingers, sprawling out in this way" (spreading out his hands against his coat), "and so he painted Van Dycks from morning to night—but those in the Academy are from Holland."

He asked if we had, in America, casts from the antiques, especially from the Elgin Marbles—of which he has a great admiration, ranking them first of all among the relics of Greek art. (He has casts of them over his staircase, very well arranged for light and effect, and on returning to the drawing-room afterward pointed out some of their beauties.) Speaking of casts, he said they were as good as the originals, and in fact better, in the respect of their being free from stains.

We sat some time at breakfast. It would have puzzled an habitué of the Café Foy to have pronounced on the character of this meal—whether a *déjeuner* or a *déjeuner à la fourchette*—and Theuiller would probably have been shocked at its nondescript quality. But we were at the same table with Rogers—one of the few old names which bring back the old feelings, for to speak of Rogers is to speak of Byron, and Scott and Coleridge, and to talk with him is almost to talk with them. We looked up from our coffee and rolls to a genuine Raphael, a genuine Andrea del Sarto, and a genuine Titian.

After breakfast, on our return to the drawing-room, Rogers showed us a small bookcase upon the upper cornice of which there is some carved work. He said: "Chantrey was dining here one day in a large company, and said to me, 'Do you remember some five and twenty years ago a workman coming in at that door and taking some measures for the carving of that bookcase? I was that workman, and glad enough I was to get five shillings a day for the carving.'"

There is a bust of Pope by Roubillac on a pier table. It is in clay. Rogers said that Flaxman's father remembered going into Roubillac's study when he was at work modelling it. Pope sat in an arm-chair before him. He

showed us a beautiful antique bust—probably the head of an athlete. Canova brought it from Italy—it was found at the mouth of the Tiber. "He brought it into this room and placed it where it stands."

"Here," said Rogers, "is a hand (a beautiful fragment) which Canova has kissed many times."

He showed us his Etruscan vases, which are very fine specimens, and pointed out their beauties, sending into his library for certain books on art in which they are described by persons who have seen them in his house. He pointed out an exquisite fragment of a frescoe, by Giotto—two heads from the Chiesa del Carmine at Florence; subject, two of the disciples approaching the tomb of Christ. "Before the Reformation," said he, "they painted with more religious feeling than since."

There is a charming Guercino. It hangs on the left hand side of the room, close by the window: It is a Madonna and Child. The Virgin holds the infant naked in one arm—the left; on a finger on the right hand she has a bird, at which the Child is looking, half in delight, half in surprise—the whole thing is exquisitely told. Nearby hangs a Raphael—the same subject. In this the Virgin is standing, and holds the Child upright in her arms. He is clinging to her as if a little frightened. It is a sweet specimen of Raphael. We admired these two pictures. Rogers said of the Raphael that, for a long time, he kept it in his bedroom; but, at last, his friends persuaded him to bring it down stairs and place it among the others.

Mrs. B—— noticed the beautiful manner in which the maternal feeling was expressed in the picture.

Rogers. "Yes, and there is nothing like it. Do you remember what Gray says—'that a man may have many friends, many brothers, many sisters, but he has only one mother—a discovery' he adds, 'which I did not make until it was too late.' I remember as well as if it were yesterday, though I was only eight years old, when my mother died. She said to her children 'It makes no difference what happens to you—only be good;' and that

is the truth," continued he, laying his hand on his heart. "What becomes of us in this world is of no consequence, so long as we are right here."

Of West, Rogers told a story which I think he said he had from West's own lips. His mother left him one day, when a small boy, in charge of the baby, who was asleep in the cradle, with strict injunctions to watch it carefully. Presently he was so struck with the appearance of the child that he could not help trying to make a sketch of it, and so with a pencil and paper went to work and became so engrossed in the process as to quite forget his charge. When his mother returned she found the baby's face covered with flies. "Whereupon," said the President of the Royal Academy, "she began scolding me; but when she saw what I had been about she gave me a kiss —"and that kiss did it:"

Of Lady —— he told this: "She said to me one day 'you never come to see us.' 'But I will come.' 'Will you come to breakfast on Friday?' 'On Friday I will come to breakfast.' 'Name whom you would like to meet.' And I named them. Friday came and I forgot all about it. The first thing I knew Lady —— sent me these verses." Whereupon he produced the verses and read them capitally. They do not differ much from this:

"When a poet a lady offends,
In prose he ne'er favor regains,
And from Rogers can aught make amends,
But the humblest and sweetest of strains?

"In glad expectation, our board
With roses and lilies we graced,
But alas! the Bard kept not his word,
He came not for whom they were placed.

"In silence our toast we bespread,
Then played with our teaspoons and sighed,
Insipid tea, butter, and bread,
For the salt of his wit was denied.

"In wrath we acknowledged how well
He, the *Pleasures of Memory* who drew,
For mankind from his magical shell,
Gives the *pain of Forgetfulness* too!"

He told a story of Lady Charlotte Lindsey (Lord North's daughter). There was a discussion one day at dinner on the question—Suppose a lady arrives in England from France with only one word of English at command, what word would be most serviceable? Everybody said of course, *Yes*, that is the most useful of words. Lady Charlotte said "Not at all. *No* is much more useful, for, with a lady, *yes* never means *no*, but *no* very often means *yes*."

We turned again to the book of autographs—a rare collection—containing, besides, the most valuable part of his correspondence with many of his contemporaries more illustrious than himself. He read with much emphasis, part of a letter from Byron, in which he dwells on his domestic troubles, etc.

Turning to a letter of Fox—"I knew him well," he said, "and I saw him on his deathbed—Sheridan too."

He called our attention to a manuscript page of Waverly as showing how few alterations Scott made in his draft. From a letter of Scott to himself he read some extracts.

I noticed in the book a letter of Mozart written in a peculiarly elegant hand.

After this, at the request of Mrs. B——, than whom no one could more gracefully or successfully have drawn him from one topic of interest to another, Rogers sent for his journal, the sanctum sanctorum of his memories, and read several passages. It is intended for publication after his death. He read us the preface—it is a very pleasing introduction to very pleasant matter.

Of Scott he read the following story, very much as it is given in Lockhart's Life, where it is credited to Rogers: "There was a boy in my class at school who stood always at the top nor could I with all my efforts

supplant him. Day came after day and still he kept his place do what I would; till at length I observed that when a question was asked him, he always fumbled with his fingers at a particular button in the lower part of his waistcoat. To remove it, therefore, became expedient in my eyes, and in an evil moment it was removed with a knife. Great was my anxiety to know the success of my measure and it succeeded too well. When the boy was again questioned his fingers sought again for the button but it was not to be found. In his distress he looked down for it; but it was to be seen no more than to be felt. He stood confounded and I took possession of his place; nor did he ever recover it or ever I believe, suspect who was the author of his wrong. Often in after-life has the sight of him smote me as I passed him; and often have I resolved to make him some reparation but it ended in good resolutions. Though I never renewed my acquaintance with him I often saw him, for he filled some inferior office in one of the Courts of law at Edinburgh. Poor fellow! I believe he is dead; he took early to drinking."

"These things," said he, "Scott used to tell us at Holland House between night and morning. One of the most interesting of these *morceaux* and the last one I recall was an account of an assembly at the house of the French Minister at which Talleyrand was present and also Fox. The latter had with him a son, a youth who was deaf and dumb, and who had come down for a visit to his father from the institution at which he was placed. With this boy Fox conversed a great deal, and with much animation, making use of signs. 'It was,' said Talleyrand, 'a most striking and touching spectacle to see the most eloquent man of his time conversing with a son who could neither speak nor hear.'"

[Several years later, probably about 1860, my father sent the complete diary account to Mrs. Bancroft, which she acknowledged in the following letter.—Ed.]

My Dear Mr. Butler:

I hasten to thank you for the very great pleasure you have given me and Mr. Bancroft also, by your notes of Mr. Rogers' charming conversation. I had forgotten that people could ever talk so well, and as I read them remembered every expression of the face and every intonation of the voice with which he uttered the words so familiar as you recalled them, but which I should have lost forever but for you. I doubt if there exists any where in England, so complete a record of what Mr. Rogers was in his very best moods and I cannot help wishing that Sidney Smith had been living when you were there; then you might have preserved some adequate impression of what his conversation must have been to produce the effect it did, but which seems so poor in the fragments Lady Holland gives us in her interesting biography.

I hope you are as grateful as you ought to be for the memory which Heaven has given you, and which is granted to but one man in a million. I have never seen anything like it, except in Macaulay, and in a less degree in Edward Everett. Sir James MacIntosh and Scott are said to have been wonderfully endowed too in that way.

With very best regards to Mrs. Butler, and with renewed thanks for the pleasure you have conferred, I am,

Yours very truly

Elizabeth Bancroft.

17 West 21st St. Jan. 14th.

[The incident of my father's repeating fifty years later Lady ——'s poem which had been read aloud by Mr. Rogers is told in his Memorial by Judge George C. Holt, and can be found on page 412 *post*.

Although he does not mention it, my father evidently included in his travels a trip to Scotland. This is shown by the poem he wrote in the visitor's book at the Inversnaid Inn, of which I quote the first and the last two stanzas.—Ed.]

WILLIAM ALLEN BUTLER

THE INVERSNAID INN

[Written in the "Visitor's Book," October 18, 1847]

The season is ended, the cold days begin,
It's all over now with the Inversnaid Inn;
Ben Lomond's bleak forehead, the tempest-tossed Loch,
The wind as it whistles o'er forest and rock,
The leaves whirled in heaps o'er the bog and the brook,
But, more plainly, the leaves of this Visitors' Book,
Proclaim the sad truth that the dark days begin,
And it's all over now with the Inversnaid Inn!

. . . . . .

No, the season is ended, the dark days begin;
From Stirling and Glasgow the last coach is in,
The last joint is roasted, the larder is bare,
The smoke from the kitchen has faded in air,
The last bill receipted, the last guinea paid,
The last shilling doled to the brisk chambermaid;
The landlord may delve and the landlady spin,
They will get no more cash from the Inversnaid Inn.

A sad picture of life! its pleasures fly fast,
The breezes of fortune give way to its blast,
The bright hues of romance grow yellow and brown,
The sunshine of fame is eclipsed by its frown,
The warm glow of friendship and passion is chilled,
The echoes of love in the bosom are stilled,
The tempest without and the darkness within,
We are left in the storm, like the Inversnaid Inn!

I have endeavored not to draw too largely on the recollections of my foreign travel in 1846 and 1847. Biographers, English and American, are very apt to give a large space to European correspondence or reminiscences of little general interest. Perhaps I have erred in the same way. Incidents of my tour to which I have not referred in these pages are contained in a short series of articles which I contributed to *The Literary World* under the title "Out-

of-the-way Places in Europe," in an article in the *Democratic Review* of July, 1848, entitled "The Last of the Condés," the outcome of a charming visit to Chantilly, and in some of my "Poems of Travel" included in the edition of 1899.

I left Liverpool on my homeward voyage December 4, 1847, on the steamer *Hibernia*, Captain Ryer, and again had hard luck in sailing westward. There was hardly a tolerably pleasant day on the whole passage. For three successive days a storm prevented observations, and on our nineteenth day out we were forced, for want of coal, to put into Halifax. After replenishing our bunkers we again set sail, arriving at Boston, the only American port of the Cunarders at that time, on the morning of the 25th, after three weeks of discomfort, which, however, were soon forgotten in the warmth of a Christmas home-greeting in the early evening.

During my absence in Europe the Mexican War had been going on and had been fought nearly to a finish. The annexation of Texas, accomplished at the close of Tyler's term of office, had been resented by Mexico, but she was not strong enough to make it a cause of war. The Polk administration, dominated by the Southern slave power, was eager for further expansion and the acquisition of new territory. Our claim to Oregon, which involved a controversy with Great Britain, was wisely settled by diplomacy. Mexico found herself constantly harassed by the demands of the Texans on the western

border lines for the extension of the boundary of their State to the Rio Grande, and the disputes over this question of boundary naturally led up to hostilities. General Taylor made a hostile advance which was followed by an invasion of American territory by Mexican troops. A number of American soldiers were killed on American soil. After this, war was inevitable. Congress, about the middle of May, 1846, declared that by the act of Mexico a state of war existed, voted ten millions of dollars for its prosecution, and invited the enlistment of fifty thousand volunteers.

The sober sentiment of the North was opposed to war and to the entire policy which had provoked it, but, once engaged in the strife of arms, hastened with unanimity to uphold the government and to sustain our soldiers in the field. While in Europe we had been greeted with the tidings of successive victories by the armies of General Taylor and General Scott, who were gathering on battlefields of Mexico laurels to be used in future presidential contests. On September 14, 1847, General Scott entered the City of Mexico, and placed the Stars and Stripes over the halls of the Montezumas. Mexico was beaten. By the treaty of Guadalupe-Hidalgo in February, 1848, she ceded to the United States, partly as indemnity for the expense of the war and partly in consideration of a cash payment of fifteen million dollars, the Territory of Upper California, New Mexico, and the country between the Nueces and the Rio Grande, the disputed possession of which had brought on the war.

By the law existing at the time of its acquisition by the United States, slavery was prohibited in all of this great domain. In the negotiations pending the treaty, our government was represented by Nicholas P. Trist, of Virginia, a thorough-going pro-slavery man. The Mexican government instructed its commissioners to insist on a provision that the United States would engage not to permit slavery in any portion of the territory ceded by the treaty. But this demand met with an indignant and vehement refusal on the part of Trist. He wrote to Mr. Buchanan, Polk's Secretary of State, "I assured them that if it were in their power to offer me the whole territory described in our *projet*, increased ten-fold in value, and in addition to that covered a foot thick with pure gold, upon the single condition that slavery should be excluded therefrom, I could not entertain the offer for a moment, nor even think of communicating it to Washington." [1]

Long before the treaty of peace with Mexico, in anticipation of our gaining possession of the territory afterward acquired, the permission or prohibition of slavery within its bounds had become a burning question in and out of Congress. As early as the summer of 1846, a bill was pending in Congress placing at the disposal of the President two million dollars which it was understood might be used in the purchase of territory. David Wilmot, a Democratic Representative from Pennsylvania, who had favored the annexation of Texas and was an advocate of

[1] Henry Wilson, "Rise and Fall of the Slave Power in America," vol. II, p. 26.

the war with Mexico, made himself famous by offering as an amendment to the bill, a proviso prohibiting the introduction of slavery into the territory which should be acquired from Mexico. The "Wilmot Proviso," as it was called, became at once the keynote of organized opposition in the North to the schemes of the slavery propagandists of the South. Just as the phrase "16 to 1" was on every lip during the presidential campaign of 1896, so the words "Wilmot Proviso" were heard at every breakfast-table, dinner-table, and tea-table throughout the country. They stood for all that was involved in the desperate struggle to be made against the encroachments of slavery by the conscientious and moral sentiment of the North.

Later, at the session of Congress beginning in December, 1846, a new bill increasing the sum to be placed at the disposal of the President from two million to three million dollars called forth a renewal of the "Wilmot Proviso" which, however, failed of adoption at that session and was temporarily withdrawn from the records of national legislation. Meanwhile discussion and debate continued and on the reassembling of Congress, in December, 1847, the question of providing territorial governments for Oregon, New Mexico, and California was urged. It was the long session and was protracted into the month of August, 1848. On the last day of the session the bill providing for the admission of Oregon was passed, but no legislation had been accomplished in respect to the territory acquired from Mexico.

It was a presidential year, and was signalized in the political annals of the United States by the formation of the Free-Soil party, a brief and brilliant episode of vital importance to the progress of the cause of human freedom and the precursor of greater things than it was able of itself to achieve. For once the name of the party was not a mere label or trade-mark, but stood for principle. "Free Soil" summed up, in two words, the initial declaration of the party that there must be "no more slave States and no more slave territory," followed by the stirring words, "We inscribe on our banner FREE SOIL, FREE SPEECH, FREE LABOR, AND FREE MEN."

From the moment that Robert J. Walker had marshaled the slave-holding Texas annexationists with their Northern coadjutors to overthrow the leadership of Van Buren and his friends in the Democratic party, the breach, thus created, had been steadily widening. In New York the Democracy had become hopelessly divided. The conservative portion, styled "Old Hunkers," were represented in the Cabinet by Governor Marcy and were in accord with the policy of the administration. The "Barn-Burners," whose name or nickname was a far-fetched derivation from a supposititious farmer who burned his barn to get rid of the rats, were opposed to Southern aggression and claimed to represent the true principles of the original Jeffersonian Democracy. At Washington all the efforts of the men in power were directed to territorial expansion. Texas, in the southwest; Oregon, in the northwest; California, on the Pacific

coast, must be made permanent parts of the territory of the United States, and all, as I have already said, were finally acquired as the result of diplomatic convention with England, treaty with Texas, and war with Mexico.

The Democratic party nominated Lewis Cass for President. The Whig party seized upon General Taylor as the most available candidate, and placed him in the field without any declaration of principles or any pretence of a platform beyond his military achievements in the Mexican War. The Northern Democrats and Whigs and men of all shades of opinion who united in opposition to the extension of slavery, nominated Martin Van Buren for President and Charles Francis Adams for Vice-President. The chief political object in the nomination of Mr. Van Buren, who was endorsed by a convention of Democrats held at Utica, was to secure the defeat of Cass in the State of New York. Mr. Van Buren, while running for the presidency on the Free-Soil ticket was able to render this service to freedom and to deliver the vote of his state to General Taylor, the result of the canvass being that Mr. Van Buren received 291,263 votes; General Cass, 1,220,544, while General Taylor's vote was 1,360,099, a plurality of 139,555.[1] Mr. Van Buren's candidacy was on the basis of his anti-Texas letter, which lost him the presidential nomination in 1844 and committed him to opposition to the extension of slavery into free territory. He was, however, reluctantly drawn into

[1] Edward M. Shepard, "Life of Martin Van Buren," p. 308.

the contest, and I do not think his heart was in it. He had been for too long a time the leader of the Democratic party North and South, pledged to the maintenance of slavery in the Southern States, without interference by the government, to be a fit representative of the growing sentiment in the free States against the inherent moral evil of slavery. Besides, he found himself in strange company. The vagaries and political antics of the Abolitionists and Emancipationists of all descriptions were not at all to his liking. Still, he led the forlorn hope in the national contest with dignity, and with success so far as the result in New York established his hold on the Democracy of his own State. General Taylor was elected by a majority of thirty-six in the electoral college, to the great disgust of the Cass Democrats.

Scott should have been the Whig candidate instead of Taylor. He was a master of the science of war, had long held a high reputation, and in politics had been consistent in his attachment to the principles and policy of the Whig party. But he was not popular with the masses and probably not fully trusted by the Southern Whigs. Taylor was a Southern man and possessed many elements of popularity. His military record in the Mexican War was something of a surprise to the American people. "Old Rough and Ready," as he was called by his soldiers, furnished a name to conjure with at mass-meetings North and South, and his famous order to one of his subordinates when advancing on a Mexican position, "A little more grape, Captain Bragg," was effectively

applied in the tactics of his presidential campaign. No man was ever elected to the presidency of whom the people knew so little or whom they trusted so blindly. He was pledged to no platform or policy and had little practical knowledge of politics.

The Free Soil party, aiding in the temporary defeat of the slave power in 1848, demonstrated the fact that there were in the North elements of opposition to the aggressions of that power, combining every shade of opinion and every degree of hostility. This opposition was growing in force, and was awaiting the time, for an irresistible uprising in favor of freedom, when the hour should strike and the man should appear. This was not to be until 1860 and the coming of Abraham Lincoln.

CHAPTER XIII

FIRST LEGAL CASES—DISCOVERY OF GOLD IN CALIFORNIA—THE CASE OF THE S. S. "UNION"—THE CASE OF THE SHIP "PACIFIC"—CUSTOM-HOUSE CASE—"THE COLONEL'S CLUB"—EVERT AND GEORGE DUYCKINCK—"THE SEXTON AND THE THERMOMETER."

THE early days of 1848 found me hard at work at my desk in the office of the United States Attorney for the Southern District of New York. I had looked forward with great eagerness to beginning my professional work. Before I was admitted to the bar I had had some little experience in practising on the small scale permissible to students. While I was in my father's office I was in the habit of walking with my friend Duyckinck from Washington Place to Nassau Street, making our route through Greene Street to Canal, where, on the south side, a man named Biggar had a shop for the sale of books and engravings. He had a considerable stock, and Duyckinck and I occasionally stopped to examine it. He had a friend who had a small claim against a defaulting debtor. This claim, at Biggar's recommendation, was placed in my hands for collection, and I brought suit in the court of a justice of the peace who held his sessions in the evening at his house in White Street. I tried my case and won it. Before the justice called the next case on the calendar, the plaintiff in that case, who had sat through the

trial of my issue, applied to me to act for him, as he had come to court without any counsel. Possessing myself of the facts, I readily agreed, nothing daunted at finding that my opponent was the constable of the court. When I called my first witness the constable claimed the right to examine him in his *voir dire*. My legal studies had not advanced so far as to instruct me what this kind of examination meant, but I boldly assented, and was greatly relieved when I found that it related to the interest of the witness in the subject of the suit, the law at that time excluding the testimony of any one interested in the result of the controversy. The witness passed the ordeal, and I had an easy victory in my second suit.

I got away from the court room flushed with my double triumph in time to go to an uptown evening party at the house of Judge Samuel R. Betts, then and for many years afterward, the United States District Judge in New York. Since then I have tried innumerable cases in the State and Federal courts, from the lowest to the highest, but I do not think my head was ever so near striking the stars as on that memorable night. My first five-dollar fee I applied to buying for my mother a souvenir, a silver napkin-ring, which still holds an humble place among the family heirlooms.

My friend Biggar afterward placed in my hands an affair of his own and of considerable importance to him. A young man of a highly respectable family was a frequenter of his shop, and Biggar discovered, after his apparently desirable customer went away, that some engravings had

simultaneously disappeared from his portfolio. His suspicions being aroused, he had the young man watched, and soon possessed positive evidence that he was the thief. Criminal proceedings would have been of no avail to compensate Biggar for the loss of his engravings. Accordingly, I set on foot a civil suit to recover their value, and the friends of the young man lost no time in making good the loss he had caused by his misconduct, occasioned, as we were quite ready to believe, by a tendency to kleptomania.

All this was playing at law. But when I began the practice in dead earnest, it possessed me with a fascination from which, after the lapse of more than fifty years, I find myself hardly disenthralled. I was introduced at once into companionships and competitions which were most exciting and inspiring. A young lawyer in active practice has the immense advantage of learning from his opponents, and in every contest, whether successful or not, he gains strength and experience for the future.

The year 1848 was an especially interesting period. Besides being a presidential year, with all its attendant electioneering excitements, it was marked by the revolutionary upheaval in Europe, which toppled over thrones and dynastics, and sent monarchs into exile, from Pope Pius IX to King Louis of Bavaria. The discovery of gold in California in the same year drew thousands of adventurers to the Pacific Coast. They went by land across the continent and by sea across the Isthmus of Panama, or round Cape Horn. Many men left New

York to settle in California and became leading spirits in that far-off Eldorado. One of them went from a desk close to mine in the District Attorney's office. He was a singularly capable, painstaking and methodical lawyer, the last man who would be supposed to have any disposition for an adventurous quest for fame or fortune in the wilds of California. But one day he quietly slipped away, and set out for the Golden Gate. There, in the exercise of the same qualities which he had shown when we worked side by side in New York, he acquired an honorable place in the new community which he helped to rear. There at the present time (1899), in a green old age, he is still enjoying the wealth and the repute which it has been his good fortune to keep. This is William Barbour, one of the most prominent citizens of California.

Two of my earliest and quite notable cases were connected with the gold-seeking period. The steamship *Union*, returning from California with some passengers and quite a large amount of treasure on board, went ashore on the western coast, some miles south of San Francisco, and was in danger of going to pieces in the breakers. The sailors were not under good discipline, and it soon became evident that they had an eye to the gold on board as well as to their own safety. The passengers, however, under the leadership of a New Englander who had, I think, been a school-teacher or professor, united in saving the lives of the ship's company and securing the treasure for the owners. With great difficulty a cable was carried to the shore and fastened there, and by means of ropes thrown

over this cable, boats went from the ship to the shore, and all on board, as well as the boxes of gold and the ship's stores, were safely landed. Then the passengers stood guard over the gold, and the sailors were kept in order until the shipwrecked company was rescued by a south-bound steamer and brought in safety to New York. I was retained on behalf of the passengers to secure salvage for their services in saving and safeguarding the treasure. The underwriters, who were responsible to the owners of the boat, resisted the claim, and I found myself pitted against a number of veteran lawyers versed in all the intricacies of the law of marine insurance, but they yielded at last and by a fair settlement a handsome sum was awarded to my clients.

In the other case, as it turned out, I was on the wrong side. The owners of the ship *Pacific* put her up for a voyage from New York, around Cape Horn to San Francisco, and advertised for passengers. There was a rush to secure accommodations. The owners promised to fit up the vessel so as to give comfortable quarters and sufficient space and air and all other convenient arrangements for the comfort of the passengers on the long voyage. On the eve of sailing some of the passengers discovered that the ship owners had violated their promise, and had taken advantage of the demand for accommodations to fit up the vessel for a larger number than she could accommodate, and in such a way as made it unsafe to embark in her; and the passengers therefore seized the vessel in an admiralty suit, claiming to hold her liable in large damages.

I defended the owners, and took the ground that as the contract for fitting up the vessel was to be performed, not on the land but on the sea, the complaining passengers had no standing in the admiralty court against the ship, but must sue the owners for breach of contract in the common law courts. This gave rise to a long contest both in the United States District Court and on appeal in the Circuit Court. It was decided that as the contract was to be performed at sea, although the breach of it occurred on land, the ship was liable under the marine law, and it was condemned accordingly.[1]

Another case which came to me in the early part of my practice grew out of a blunder of the custom-house officials and gave rise to some curious complications. There used to be a periodical clearing out by sale at auction of goods which had lain in the public stores unclaimed by any one, and on which no duties had been paid. Such goods accumulate in the course of time and the collector orders their sale after publishing a notice describing them by the marks and numbers on the packages.[2] Such a sale was advertised to take place.

A worthy German, Stephen Lutz by name, who was employed about the custom-house, not only by the government, but by importers, in carting away goods, sometimes made purchases at these sales. On this occasion his attention was attracted by the appearance in the catalogue

[1] The Pacific. I Blatchford, p. 569.

[2] As the law then existed, goods were sold in unopened packages and the purchasers took the risk and chance of what they might get. In this respect the law has since been amended.—Ed.

of thirteen cases described as "machinery," an unusually large number of packages to be included in one lot on such a sale. He made up his mind to bid for them, not having any idea whatever of the contents of the cases, but fancying that so large a quantity of machinery must have considerable value. Accordingly he told some of his friends, who entered into the venture with him, and at the sale Lutz bid off the thirteen cases for $500, which he paid. Having his carts at hand he carried off the boxes to a vacant lot in the upper part of the city, where he had arranged to open them, their great size making it difficult to get them into any ware-room. Great was the curiosity of the party of buyers to discover what kind of property they had acquired by their purchase, and it was greatly enhanced when, as case after case was opened, the machinery disclosed was of a kind which none of them could identify as belonging to any known trade, business or process. Finally, when some huge glass lenses of most elaborate cut and construction were unwrapped, they were wholly at their wits' ends. After a long consultation with the best experts they could employ the mystery was solved, and they found that they had bought the entire apparatus of a revolving, catadioptric Fresnel lantern and light for a light-house of the first magnitude. This Fresnel lantern had been manufactured in France for the United States, and was intended for the Carysfort Reef in Florida.

Owing to some unexplained cross purposes between the manufacturers, their agents in New York and the government officials the whole apparatus had remained

unrecognized and unclaimed in the public stores. There it had been treated as merchandise of private importation, waiting for its owner to come forward, enter it and pay the duties, in default whereof it had been included in the clearance sale.

The French firm who were the agents in New York of the manufacturers soon awoke to the situation, and between them and the custom-house officials a prodigious hue and cry was raised for the lost beacon. Evidently some one had blundered; and in the eagerness to cover up the blunder, the injustice was committed of charging Stephen Lutz and his associates with a crime. They had known all along, so it was alleged, what these thirteen cases of machinery contained and by the aid of allies in the government service had contrived to possess themselves of this great prize. While this was wholly untrue, it served as a justification for ignoring any right or equity, on the part of the purchasers, for a return of the $500 which they had paid, and which had come into the United States Treasury, and for a summary seizure of the entire apparatus by the United States Marshal under a writ of replevin sued out in the name of the United States.

In these straits Lutz came to our office. We could not retake the property, but we defended the suit, and, finding that our client and his friends were treated as wrongdoers and conspirators, determined to make the best fight we possibly could to establish that they were innocent purchasers, and had got a good title to what they had bought at a public sale. So we began a counter suit in equity

against the collector and prayed for an injunction to restrain him from parting with the possession of the property until the determination of the suit in which it had been seized and taken away from Lutz. Having got the matter in such shape that Lutz was protected in his rights, if he had any, then came the question whether he had any rights. The light-house apparatus had been imported for the use of the United States, and it was claimed, on behalf of the government, that being therefore exempt from payment of duty, the collector had no right to treat it as dutiable and no power to sell it for non-payment of duty or to give any right or title to a purchaser. We set up two grounds of defense: first, that while the Tariff Act of 1842 had provided that goods imported for the use of the United States should be exempt from duty, this provision had been omitted in the Act of 1846, which repealed that of 1842 leaving all goods, public and private, to the operation of the custom laws; and, second, that the government, having got our money, could not retake the property without, at least, refunding the purchase price.

The court decided that as the property belonged to the sovereign power, no duty was chargeable or collectable; the collector had no power to make the sale; the purchaser, however innocent, got no title; and the government was not obliged to refund the money voluntarily paid to it. The fact that the Tariff Act of 1846 did not exempt the goods from duty was immaterial. No statute was required in aid of the sovereign right of the people of the

United States. Strange to say, while this question had been argued by Mr. J. Prescott Hall, the United States District Attorney, for the government, and by my father, who was senior counsel, for Lutz, and had been decided by Judge Nelson on the assumption that there was no law applicable to it, the omission in the Act of 1846 had been supplied by a provision tacked on to a subsequent Naval Appropriation Bill, of which both counsel and Court were wholly ignorant.[1]

When not actually engaged in my professional duties, I could not turn wholly aside from literature and literary associates. I carried on for some time a series of papers on current topics under the title of "The Colonel's Club." In this first appeared "The Carnival of 1848," in which, with perhaps more truth than poetry, I chronicled the wild revolutionary changes which the whirligig of revolution was setting in frantic motion. To this series also belongs "The New Argonauts," which is a realistic picture of the rush of the gold-seekers to the Pacific coast.

My friend, George Duyckinck, who had remained in Europe after I sailed for home, returned and resumed his residence with his brother Evert at No. 20 Clinton Place, not far from my own home. Their library, which contained a choice collection of books, especially rich in English drama and dramatic works (now in the possession of the Lenox Library), was a rendezvous for men of like tastes as themselves. They were publishing, at that time, *The Literary World*, a weekly journal of liter-

[1] Reported 2 Blatchford, p. 383.

ature and art to which I became a contributor, and in which, on March 24, 1849, appeared "The Sexton and the Thermometer." In this poem, which at once attained a certain sort of popularity, I rendered in rhyme a story which Evert Duyckinck had told me about Brown, the famous sexton of Grace Church, then in the height of his prestige. He figured in the poem as Diggory Pink. Brown admitted the truth of the whole tale, except the closing passage, in which he was made the recipient of a fee for raising the mercury 40 degrees.

THE SEXTON AND THE THERMOMETER

A building there is, well known, I conjecture,
To all the admirers of church architecture,
Flaunting and fine, at the bend of Broadway,
Cathedral-like, gorgeous, and Gothic, and gay,
Soaring sublimely, just as it should,
With its turrets of marble, and steeple of wood,
And windows so brilliant and polychromatic,
Through which the light wanders with colors erratic—
Now, golden and red on the cushions reposes,
Now, yellow and green on parishioners' noses;
While, within and without, the whole edifice glitters
With grandeur in patches, and splendor in fritters;
With its parsonage "fixed" in the style of the Tudors,
And, by way of example to all rash intruders,
Its solid dead wall, built up at great labor
To cut off the windows cut out by its neighbor—
An apt illustration, and always in sight,
Of the way that the Church sometimes shuts out the Light![1]

[1] This "dead wall" has long since been taken down and replaced by a handsome gothic wall, with windows, on the north side of the church enclosure.

Now it chanced at the time of the present relation,
Not a century back from this generation,
When, just as in these days, the world was divided,
And some people this way and that way decided,
And like silly questions the public was vexed on,
One DIGGORY PINK of this church was the sexton.
None of your sextons grave, gloomy, and gruff,
Bell-ringers, pew-openers, takers of snuff,
  Dusters of cushions and sweepers of aisles,
But a gentleman sexton, ready enough
  For bows and good manners, sweet speeches and smiles;
A gentleman, too, of such versatility,
In his vocation of so much agility,
Blest with such wit and uncommon facility,
That his sextonship rose, by the means he invented,
To a post of importance quite unprecedented.
No mere undertaker was he, or to make
The statement more clear, for veracity's sake,
There was nothing at all he did *not* undertake;
Discharging at once such a complex variety
Of functions pertaining to genteel society,
As gave him with every one great notoriety;
Blending his care of the church and the cloisters
With funerals, fancy balls, suppers, and oysters,
Dinners for aldermen, parties for brides,
And a hundred and fifty arrangements besides;
Great as he was at a funeral, greater
As master of feasts, purveyor, *gustator*,
Little less than the host, but far more than the waiter.
Very brisk was his business, because, in advance,
Pink was sure of his patron whatever might chance.
If the turtle he served agreed with him, then
At the next entertainment he fed him again;
If it killed him, Pink grieved at the sudden reversal,
But shifting his part, with a rapid rehearsal,
With all that was richest in pall and in plumes,

Conveyed him, in state, to the grandest of tombs.
Thus whatever befell him, gout, fever, or cough,
It was Pink, in reality, carried him off;
The magical Pink, as well skilled in adorning
The houses of feasting as houses of mourning,
For 'twas all the same thing, on his catholic plan,
If he laid out the money, or laid out the man.
But most with the ladies his power was supreme,
Of disputing his edicts nobody would dream,
For 'twas generally known that Pink kept the key
Of the very selectest society;
Parvenus bribed him to get on his list;
Woe to the man whom his fiat dismissed!
The best thing he could do was to cease to exist,
And retire from a world where he wouldn't be missed.

Thus, plying all trades, but still keeping their balance
By his quick, ready wit and pre-eminent talents,
His life might present, in its manifold texture,
An emblem quite apt of the church architecture,
Which unites, in its grouping of sculpture and column,
A great deal that's comic with much that is solemn!
One Sunday, Friend Pink, who all night had been kept
At a ball in the Avenue, quite overslept,
And though to the church instanter he rushed,
His breakfast untasted, his beaver unbrushed,
He reached it so late that he barely had time
To kindle the fires, when a neighboring chime
(For 'tis thus that all church-bells must figure in rhyme)
Proclaimed that the hour for the service was near;
And, as ill-luck would have it, though sunny and clear,
'Twas the coldest of all the cold days in the year.

Poor Pink, if some artist, with pencil or pen,
Had been on the spot to sketch him just then,
As bewilderment drove him first here and then there,

From chancel and transept to gallery stair,
Now down in the vaults, and now out in the air,
Might have stood as a model of Utter Despair,
Whose crowning expression his countenance wore
As he paused, for a moment, within the grand door,
And glanced at a gentleman, portly and neat,
Advancing quite leisurely up from Tenth Street.
"Mr. Foldrum is coming; oh! what shall I do?
He's got a thermometer hung in his pew!
As sure as it's there, and the mercury in it,
He'll find what the temperature is in a minute;
And being a vestryman, isn't it clear
That minute will cost me a thousand a year?"

But luck, luck, wonderful luck!
Which never deserts men of genuine pluck,
No matter how deep in the mire they are stuck,
In this very crisis of trouble and pain,
With a brilliant idea illumined his brain;
Down the aisle, like a cannon-ball, Diggory flew,
Snatched the thermometer out of the pew,
And then plunged it, bodily, into the fire
Of the nearest furnace, just by the choir;
Soon to 100 the mercury rose,
And Pink, stealing quietly back on tiptoes,
Hung it up stealthily, on the brass nail,
Just as Foldrum was entering, under full sail.

The church was as chilly and cold and cavernous
As the regions of ice round the shores of Avernus;
Like icebergs, pilasters and columns were gleaming,
While pendants and mouldings seemed icicles streaming.
Foldrum shivered all over, and really looked blue,
As he opened the door and went into his pew,
Then clapping his spectacles firmly his nose on,
Took down the thermometer, surely supposing

The glass would be cracked and the mercury frozen.
No such thing at all; but, surprising to view,
The mercury stood at 72!

It had never deceived him, that great regulator,
Not once to the atmosphere proved itself traitor;
Had it fallen to zero, on the equator,
He had shivered all over and doubted it not;
Or if, upon Greenland's iciest shore,
It had happened to rise to 80, or more,
Had thrown off his bearskin and sworn it was hot.
"Place me," might he cry, with the poet of old,
"In the hottest of heat or the coldest of cold,
On Lybian sands, or Siberian barren height,
You never shall shake my faith in my Fahrenheit!"

'Twas charming to see, then (Pink watched him with care),
What a wonderful change came over his air—
How he rubbed both his hands, and a genial glow
Came flooding his cheeks like a sunbeam on snow;
How quickly he doffed both his scarf and his coat,
Unbuttoned his waistcoat down from the throat,
And stifling a sort of shiver spasmodic,
With assumptions of warmth, very clear and methodic,
And with all sorts of genial and satisfied motions,
With fervor engaged in his usual devotions.
Just then enter Doldrum,
Who sits behind Foldrum,
And gauges himself, from beginning to end
Of the year, by his old thermometrical friend,
Well knowing that he takes his practical cue
From the mercury, hanging up there in his pew,
And can't make the mistakes that some people do.
So off goes *his* pilot-cloth, spite of the cold or
A twinge of rheumatics in his left shoulder;
'Twas freezing, 'twas dreadful, it must be confessed,

But there sat Squire Foldrum, who surely knew best,
With his overcoat off and an unbuttoned vest!
What's mercury made for, except by its ranges
To declare, without fail, atmospherical changes?

At the door the friends met. "Cold in church, was it not?"
Says Doldrum. "Oh no! on the contrary, hot;
Thermometer 70; with these high ceilings
You must go by the mercury—can't trust your feelings.
Take a glass, after dinner, of Old Bourbon whiskey,
Nothing like it to keep the blood active and frisky,
If you're cold, but the air was quite spring-like and mellow;
Why, Doldrum, you're growing old fast, my dear fellow!"
But on Tuesday the joke was all over the town;
Pink enjoyed it so much that he noted it down,
And, thinking it shouldn't be laid on the shelf,
At the risk of his place, he told it himself
To one of the vestry, to use at discretion;
And in very short time 'twas in public possession.
Foldrum heard of it, too; saw how it was done,
And felt that he owed the sexton one.
Next Sunday he paid him. "Pink," said he,
"I owe you a dollar; here, take your fee."
"A dollar, sir? no, sir; what for, if you please?"
"*For raising the mercury forty degrees!*
Extra service like this deserves extra pay,
Especially done, as this was, on Sunday.
So pocket the cash, without further remark;
But, Pink, for the future, just mind and keep dark."
"Thank you, sir," said the sexton; "I'm not a dull scholar,
So, if you take the joke, why, I'll take the dollar!"

CHAPTER XIV

RETURN OF BENJAMIN F. BUTLER TO NEW YORK—LAW OFFICE IN WALL STREET—A SUPPLY OF OFFICE BOYS—SUCCESSIVE LAW FIRMS—HIRAM BARNEY—ACCOUNT OF PROFESSIONAL LIFE—GENERAL TAYLOR—HENRY CLAY—HIS COMPROMISE—JOHN C. CALHOUN—DANIEL WEBSTER—HIS SEVENTH OF MARCH SPEECH—INDIGNATION IN THE NORTH—WHITTIER'S "ICHABOD"—DEATH OF PRESIDENT TAYLOR—COMPROMISE OF 1850.

THE active part which my father took in the presidential campaign of 1848, in favor of Van Buren and Adams in opposition to Cass and Butler necessarily led to a rupture with President Polk, and before the election my father's official relations with the government had been terminated. Leaving the old brick building at the north extremity of the Park, where the Federal offices were installed, long since destroyed by fire and replaced by the County Court House, my father and I removed to Wall Street, and took two rooms on the third floor of No. 29, which has also gone out of existence, and is now replaced by the Leather Manufacturers' National Bank. My father's business was chiefly that of counsel in cases brought to him by attorneys in behalf of their clients. This, of course, was of no direct advantage to me, but my hope was to gain a clientage and to build up a practice by my own efforts with his valuable aid. I had youth,

good health, a passion for hard work and a tolerable equipment for professional competitions. All I wanted was opportunity and an office boy.

The office boy came first. Having moved into my new rooms and hung my shingle on the outer wall of No. 29 Wall Street, I advertised for this indispensable incumbent. The science of advertising "Wants" had not been brought to its present perfection, and in my simplicity I gave my office address, inviting application there. The following morning, as I alighted from the Broadway omnibus which had brought me to the head of Wall Street, I noticed an unusual number of boys, and as I descended toward Broad Street, the number was perceptibly increased. Upon coming nearer to No. 29 Wall Street it had grown to a crowd, surging upon and about the front steps and massed on the two flights of stairs leading to my own office. It was with the utmost difficulty that I could make my way through the mass of boys, to whom, in my folly, I had made possible this invasion, not only of my own but also of my neighbor's premises. I was immediately recognized by the whole body of boys as the advertiser. "Here he is," went up and down the line. To deliberate was to be lost. I forced a passage through the dense mass, unlocked my door, rushed in and relocked it on the inside. After holding a minute's counsel with myself upon the problem—not how to get an office boy but how to get rid of a legion of them—my mind was made up. Unlocking the door and calling the nearest available boy, I engaged him at once, and opening the door on a crack

called out that I had a boy. It took a long while for the juveniles to realize the situation and disperse. My chance capture proved a success. Charles, I believe that was his name, was industrious, faithful, and devoted to my interests as long as he remained with me.

Following the office boy, came the opportunity. One day an elderly man with striking appearance, more clerical than commercial in his garb and manner, called on my father and engaged him in a long interview. This visitor was Lewis Tappan, then and afterward conspicuous for his strong anti-slavery views and efforts, and for the part he took as a leader of the Abolition party, in opposition to the slave power, and withal a shrewd and successful business man. Both he and his brother, Arthur Tappan, were men of high repute and commanding influence. Lewis Tappan's son-in-law was Hiram Barney, of the law firm of Barney & Mitchell. He was essentially an office lawyer, and never went into court for the trial or argument of cases. Mr. Mitchell had suddenly died, leaving Mr. Barney with a large business on his hands and in pressing need of competent professional aid for its management, especially in litigated cases. Mr. Tappan's errand was to acquaint my father with these facts, and to propose an alliance on his part with Mr. Barney. He brought them together and I was included in the negotiations. My father assumed the position of counsel to the new business, and I was placed in charge of its management in court and in all ordinary litigation. We formed the firm of Barney & Butler, and to avoid start-

ing its business on the 1st of April, selected the 31st of March for the commencement of the partnership.[1]

This was the beginning of a succession of firms of which I have been a member from that day to the present time. My father, whose co-operation and aid had been of immense service to me at the outset, soon withdrew from any relation with Mr. Barney and myself, except that of occasional counsel, although he retained his office with us until his death in 1858. Mr. Barney and I went on together until November 1, 1851, when Mr. James Humphrey of Brooklyn, joined us and our firm of Barney, Humphrey & Butler continued until after Mr. Humphrey's election to Congress, when he withdrew on January 1, 1859, and Mr. George W. Parsons came in. This firm of Barney, Butler & Parsons continued until the retirement of Mr. Barney and Mr. Parsons in 1873. The firm then became Butler, Stillman & Hubbard, composed of Thomas E. Stillman, Thomas H. Hubbard, and myself, and in 1880 John Notman, Adrian H. Joline, Wilhelmus Mynderse and my son William Allen Butler, Jr., became partners. On the retirement of Mr. Stillman and General Hubbard in 1896, the present firm of Butler, Notman, Joline & Mynderse came into being.[2]

[1] For the first few months my father's office was in Wall Street. He afterwards moved to 111 Broadway, the Trinity Building, which had been recently erected just north of Trinity Church and which was torn down in 1906, being replaced by the present handsome structure of the same name. In 1884 his offices were transferred to the Central Trust Company Building, 54 Wall Street.—Ed.

[2] After my father's death the firm name continued the same until the withdrawal of Mr. Joline, which took place January 1, 1905, at which date the firm of Butler, Notman, Joline & Mynderse ceased

With my brother, William Allen Butler, Jr., who had been a partner since

The French proverb that it is the unexpected that happens was never more applicable than to the circumstances which, as I have related them above, brought me into contact and close relations with Mr. Barney. They gave me what I wanted—a chance in my profession. Mr. Barney, partly through the influence of the Tappans and largely by his own professional ability, particularly as a manager of affairs and negotiator in differences between business men, had a large clientage of the best character and had many active litigations in progress when I joined him. I had then as much as I could do to keep pace with the necessities of the business which had so suddenly fallen into my hands. Mr. Barney, as I have said, never went into court. He was not a student of the law as it was contained in books. He answered very much to the description of the lawyer who said he was not much of a lawyer, but he was a good judge of the law. Mr. Barney never drew pleadings or prepared legal briefs, but he was one of the best and most careful of draftsmen in preparing contracts and other papers requiring a knowledge of legal principles and foresight in their application, and he was very quick and clear in apprehending legal relations and rights, and most fertile in suggesting remedies. I recall a case most complicated in its entanglements and in the legal questions involved, which I

1880, the firm was continued under the name of Butler, Notman & Mynderse, until it was dissolved by the deaths of Mr. Mynderse, which occurred on November 15, 1906 and of Mr. Notman, which occurred on January 6, 1907.

On June 5, 1907, Hon. William J. Wallace, late presiding justice of the United States Circuit Court of Appeals, was invited to join the firm, and its name became Wallace, Butler & Brown, with offices at 54 Wall Street.—Ed.

tried and argued with great attendant study and no little doubt. I stated it to him at an early stage. He took a sheet of foolscap and jotted down what he thought were the legal propositions involved and their solutions, anticipating by his statement the final result as declared in my favor by the decision of the court.

As I was wholly independent in the conduct of our business and as the possibilities of its growth and enlargement revealed themselves to me, I foresaw what it was possible to attain by a wise use of the means within our reach. In a letter written by me, May 18, 1900, to the John Marshall Club, of Rochester, in answer to a request for some account of my professional life, I alluded to that part of my experience which related to the development of my business on what may be called its commercial side, writing in part as follows:

"When I commenced practice the chief business of the profession in the City of New York was collecting debts for dry goods merchants and other commercial houses. We had our share of this business, which was largely carried on in the local Court of Common Pleas and in the New York Superior Court, of which Thomas J. Oakley was Chief Justice, and which obtained a high repute for its decisions on questions of commercial law.

"I early formed the idea that the successful practice of law in our chief metropolitan center required the use, to a certain extent, of commercial methods, foremost among which were the delegation to competent subordinates of all matters not requiring the personal attention of the partners; the separation of moneys belonging to, or collected for, clients from the moneys of the firm; immediate settlement with clients for moneys received on

their account; no accounting between partners, all sums received from every source being turned over to the cashier, by whom all disbursements were made, and dividends declared only out of ascertained profits. In addition to these rules, another, followed with almost unvarying regularity, has been the recruiting of the partnership from within and not from without, so that my partners have been almost without exception trained in my own office. I do not claim any particular originality in the methods thus indicated, but I speak of them because they have proved successful in the building up of a large practice, continuing without interruption for half a century, requiring the labors of six or seven partners and of three times as many assistants and clerks.

"When I came to the bar there were many distinguished counsel to whom the younger members of the profession looked up with deserved respect and it was considered almost indispensable to secure the aid of these veterans as seniors in contested cases. I found an advantage in trying and arguing my own cases, and that in the court of last resort the knowledge and experience gained in the court below was of great advantage in the final argument, especially as against an opposing counsel brought into the case without any previous knowledge of it in its earlier stages.

"As business increased we found new connections in banking, insurance and other corporations formed by our clients and opening large fields for professional activity, while the enlarged foreign commerce of the country greatly multiplied cases coming within the Federal jurisdiction. My connection with the Admiralty bar gave me the opportunity of aiding in establishing the jurisdiction of the Admiralty courts under the Constitution of the United States upon the basis of the ancient maritime law of continental Europe as distinguished from the circumscribed statutory law of England; and, in a series of cases in the Supreme Court of the United States, I succeeded in having the original rules of the maritime law applied in their integrity to the cases involved. A notable instance

of this was the case of the '*Scotland*' (105 U. S. 24), where an English steamer of that name had run down and sunk a British bark, loaded with a cargo of guano, a short distance outside of the port of New York. Both vessels were destroyed by the collision. I claimed that by the maritime law the '*Scotland*,' although in fault for the collision, was exempt from liability, having been herself rendered valueless by the disaster. The District and Circuit Courts decided against her owners and held them liable for the full amount of the loss, but the Supreme Court, on appeal, reversed the decree below, and applying the maritime rule, held that the total loss of the offending vessel relieved the owners from all liability. Other cases affirming the principle of the maritime law as a part of the Federal jurisprudence are the '*Lottawana*' (21 Wallace 558) the '*Pennsylvania*' (19 id. 125) and the '*Montana*' (129 U. S. 397).

"As counsel for many years of the Board of Commissioners of Pilots of the State charged with the licensing and regulating of pilots and pilotage and also with preventing encroachments on the harbor of New York, I was able to assist that board of State officers in the exercise of their very important powers. The act constituting the board provided for the election of its members by the New York Chamber of Commerce and the New York Board of Marine Underwriters, thus keeping it out of politics and confiding the election of its members to men peculiarly fitted for the discharge of such a duty. This somewhat anomalous mode of creating a board of State officers was challenged as unconstitutional, but it was upheld by the Court of Appeals in Sturgis v. Spofford (45 N. Y. 446).

"I have instanced the above as possessing some points of public interest and I might refer to many other cases of more or less importance; but the bulk of my professional service has been for private clients and in protection of their rights and interests."

To return to the year 1848.

Congress met for the short session in December. The Whig party, elated by its triumph at the polls in November, was as eager to gather its fruits as if the maxim "To the victors belong the spoils" had been of Whig instead of Democratic origin, and looked forward to the incoming administration with great expectations. In Congress nothing was accomplished except endless discussion and debate, and the 4th of March, 1849, arrived with out any solution of the problem affecting California and New Mexico.

Soon after General Taylor had assumed the duties of Chief Magistrate and surrounded himself with a Cabinet of conservative Whigs, it became apparent that, although a Southern man and a slave-holder, he would tolerate no disloyalty to the Union or to the Federal government. The threats of secession and dissolution of the Union, with which the ultra-slavery men of the South filled the political atmosphere of Washington, surprised and alarmed him. He was a soldier, and a patriot, and he was commander-in-chief of the army and navy of the United States. He had no sympathy with sentiments or schemes which endangered the stability of the Union; and he gave the Southern fire-eaters distinctly to understand that he would tolerate no acts endangering the peace of the country, and in case of need would march at the head of the army to suppress any acts of violence on their part.

Meanwhile the agitation of the slavery question went on North and South with increasing bitterness. The

"Wilmot Proviso" still held its place in the public mind, and the vital questions of the hour ranged themselves around this central point of dispute. Congress had hardly begun its session when Henry Clay, who had been in retirement since his defeat as a presidential candidate in 1844, reappeared in the Senate. He signalized his entrance on a new period of political activity by bringing forward, as a cure for all the existing evils involved in the agitation of the slavery question, the time-worn panacea of Compromise. It was his ambition to pose, in his last senatorial days, as a pacificator, on the basis of legislation which would end the strife between the North and the South.

Mr. Clay's plan, introduced in the Senate January 29, 1850, was broad and comprehensive. It consisted of a number of resolutions, each containing a proposition, namely: 1. That California be admitted without any restriction as to slavery by Congress. 2. That inasmuch as slavery was not likely to exist in any of the Territories obtained from Mexico, governments ought to be established there without restriction or condition on the subject of slavery. 3. That the boundary between Texas and New Mexico should be agreed upon. 4. That Texas be paid a sum of money in consideration of giving up a large part of her claims to land in New Mexico. 5. That the abolition of slavery in the District of Columbia under present circumstances was inexpedient. 6. That it was expedient to prevent the slave-trade in the District of Columbia. 7. That a more effectual fugitive slave law

ought to be passed. 8. That Congress had no power to prohibit the slave-trade between slave States.

In his speech supporting his resolutions, Mr. Clay took the gloomiest view of the situation caused by the agitation, both North and South, of the issues relating to slavery. The subject was, as he expressed it, an "awful" one, and nothing could avert the direful consequences which he foresaw save mutual concessions and a spirit of accommodations. All that was embodied in the "Wilmot Proviso" would be secured to the North, because California had already prohibited slavery by her constitution; it did not exist in New Mexico, nor was there any probability that it would ever be introduced into her territory. The provisions of the resolutions relating to other subjects conceded some things to the North and some things to the South. That relating to the Fugitive Slave Law was indispensable to secure the rights of the South against the deliberate refusal of the Northern States to execute the existing law. He threw into his impassioned appeal all the power and persuasive charm of his personal magnetism, and pleaded for compromise as the only possible safeguard against the appalling dangers which menaced the Union.

On March 4, 1850, John C. Calhoun, then in the last stages of his fatal illness, was brought to the Senate, and a speech which he had prepared was read by Senator Mason, of Virginia. It was the Southern statesman's dying appeal in behalf of slavery and the right of Southern slave-holders to carry their slaves into the newly acquired

territories of the Far West. His argument was simple, and, to his own apprehension, conclusive. The Constitution extended over all this vast region; as the Constitution recognized and protected slavery that institution could go wherever the Constitution went. He claimed that the equality between the North and South had been disturbed; that the South had been gradually weakened while the North had advanced in power and strength, and that the Union could only be preserved by giving to the South restored equality with the North by Constitutional amendment, while in the meantime Congress should, as far as possible, redress the wrongs of the South, especially by enacting a more stringent fugitive slave law. He did not live to vote on any of the compromise measures, for, less than a month after his final appearance in the Senate, he passed away.

Mr. Webster had not spoken. The whole country, especially the North, awaited the expression of his opinion on the compromise measures with eager and anxious expectation. He was the foremost man in the Whig party, its nominee in the last presidential contest. He was the greatest constitutional lawyer of his time. His fame as an orator, established by his Plymouth and Bunker Hill addresses and his famous reply to Hayne, was unrivaled; while to vast numbers of New England men he was an oracle of wisdom. He had strenuously opposed the annexation of Texas and the acquisition of new territory, either by treaty with Mexico or by conquest. He claimed that the "Wilmot Proviso," prohibiting the introduction of

slavery into newly acquired territory, had its origin in his own declarations on this subject. To use his own words it was his "thunder," and to this extent he had stood for all that was claimed by the North as opposed to the aggressions of the South.

A few days after Mr. Calhoun's final plea for slavery as a national institution, Mr. Webster delivered in the Senate what has passed into history as his "Seventh of March Speech." It was known that he would address the Senate on that day, and the chamber—the room now occupied by the Supreme Court of the United States—was, at an early hour, crowded to its utmost capacity, on the floor, in the ante-chambers, and in the galleries.[1] In the opening sentences of his speech, Mr. Webster showed that he still held his accustomed mastery over the arts of oratory. He appealed at once to the imagination and the patriotic sentiments of his hearers by a lofty flight of rhetoric in which he depicted in vivid colors the dangers which threatened the imperiled Union. "The imprisoned winds," he said "are let loose. The East, the North and the stormy South combine to throw the whole sea into commotion, and toss its billows to the skies, and disclose its profoundest depths." He did not regard himself as fit to hold the helm in this combat with the political elements; but he had a duty to perform during the struggle, though the sun and the stars should not appear for

[1] This debate took place before the completion of the chamber now occupied by the Senate, and in the chamber now occupied by the Supreme Court of the United States, from which the galleries have long since been removed.—Ed.

many days, and he spoke for the preservation of the Union.

Mr. Webster then entered upon an historical review of slavery in the States from the formation of the Union to the year 1850. He spoke of the guarantees of the Constitution by which slavery was recognized in the States and kept free from Federal interference, and of the great change of opinion which had taken place from the time when, both in the North and the South, slavery was regarded as an evil to be deplored and gradually eradicated. He attributed the growing sentiment in favor of slavery at the South to the extreme eagerness of the people not only to make the products of the soil, especially cotton, the means of wealth, but also to add to these abundant sources of prosperity by the acquisition of new territory. He showed that in the successful prosecution of this desire for extending the area of slavery the admission of Texas added to the Union "a new slave-holding territory, so vast that a bird cannot fly over it in a week." This had been done with the aid of Northern and even New England votes. He, himself, had steadily expressed his opposition to the admission of slave States or the acquisition of new slave territory to be added to the United States, but he held that Texas being in the Union with all her territory as a slave State with a solemn pledge that south of 36° 30′ slavery should exist, no question remained as to slavery in that territory, and it was beyond the power of Congress to change the situation.

Thus far Mr. Webster's speech had been calm and

cogent. It laid a broad historical foundation on which he could have asserted the right of the North to resist by every means the further aggressions and aggrandizements of the slave power, and to uphold the principle that beyond the limits of the slave-holding States that power had no rights under the Constitution. But instead of this he gave his adhesion to the policy of conciliation, concession and compromise. He held slavery to be excluded from both California and New Mexico by the law of nature and of physical geography, that the entire territory embraced in their borders was already "fixed for freedom" and that, therefore, to apply to any part of it the restrictions of the "Wilmot Proviso" would be an idle thing; and he said, "I would not take pains uselessly to reaffirm an ordinance of nature nor to reënact the will of God. I would put in no 'Wilmot Proviso' for the mere purpose of a taunt or a reproach."

Mr. Webster then went on to review the grievances and mutual recriminations between the North and the South, and laid special emphasis on the disinclination of the North to perform the constitutional duties in regard to the return of fugitive slaves, saying emphatically, "In that respect the South in my judgment is right, and the North is wrong," and he argued for the passage of a more stringent and effectual law in aid of the capture by Southern slave-holders in Northern States of runaway slaves. He denounced the Abolitionists as the authors, by continuous action since 1835, of great agitation—"agitation in the North against Southern slavery." He

apologized for the violence of the Northern press, which he attributed largely to the foolish and violent speeches in both Houses of Congress. The complaints of the North against the South he treated as having their foundation mainly in differences of opinion, in reference to which all that could be done was "to endeavor to allay the agitation and cultivate a better feeling and more fraternal sentiments between the South and the North." He closed by deprecating the Southern threat of secession, holding that peaceable secession of any of the States was impossible and could never take place.

As fast as the telegraph and mails could carry it, Mr. Webster's speech was in the hands of the people North and South. I read it aloud at my father's breakfast table on the 8th of March. In the North, on the part of all the friends of freedom, it was received with amazement and indignation. It was regarded by many as a bid for the presidential nomination in 1852; by others as a surrender to the demands of the South, and by many others as a timorous compliance with the cry for a compromise in which, as always before, the South was to be the gainer and the North the loser. But especially and above all the storm of indignation was directed against Mr. Webster's advocacy of a new fugitive slave law. The imprisoned winds of his opening metaphor were now let loose in a more literal sense, and blew "contending tempests on his naked head." Horace Mann wrote: "Webster is a fallen star! Lucifer descending from Heaven!" Giddings, of Ohio, said: "By this speech a blow was

struck at freedom and the constitutional rights of the free States which no Southern arm could have given." At a public meeting held March 25, in Faneuil Hall, to condemn the action of Mr. Webster, Theodore Parker said: "I know no deed in American history done by a son of New England to which I can compare this but the act of Benedict Arnold. . . . The only reasonable way in which we can estimate this speech is as a bid for the presidency." The Abolitionists were furious at Webster's denunciation of them. One of the vials of wrath poured out was a poem by the Quaker poet Whittier, entitled "Ichabod," in which he wrote, among other things:

"Of all we loved and honored, naught
Save power remains;
A fallen angel's pride of thought,
Still strong in chains.

All else is gone; from those great eyes
The soul has fled;
When faith is lost, when honor dies,
The man is dead!

Then, pay the reverence of old days
To his dead fame;
Walk backward, with averted gaze,
And hide the shame!"

Years afterward, writing of this poem Whittier said: "It was the outcome of the surprise and grief and forecast of evil consequences which I felt on reading the 7th of March speech of Daniel Webster in support of the 'Compromise,' and the 'Fugitive Slave Law.' But," he

added, "death softens all resentments, and the consciousness of a common inheritance of frailty and weakness modifies the severity of judgment."

Mr. Webster did not flinch. After a few weeks there was an apparent and natural reaction of Northern sentiment in his favor The conservative Whigs rallied to his support; men interested in the commerical interests of the North, who dreaded the agitation of the question of slavery as a menace to the prosperity of the country, ranged themselves on the side of compromise. On July 17 he took the floor again in the Senate and made a labored speech in favor of the Fugitive Slave Law, in which he paid his respects to the Abolitionists as follows: "No drum-head, in the longest day's march, was ever more incessantly beaten and smitten, than public sentiment in the North has been, every month, and day, and hour, by the din, and roll, and rub-a-dub of Abolition writers and Abolition lecturers."

Meantime President Taylor, who looked with disfavor on the compromise measures, had been stricken with a fatal illness, and died July 9, 1850. Millard Fillmore, who succeeded to the presidency, belonged to the extreme conservative wing of the Whig party, and was in full sympathy with Mr. Clay's scheme of compromise. He called Mr. Webster from the Senate into his cabinet as Secretary of State. After long debate and discussion, the contest over the compromises of 1850 came to an end. Finally, late in August, 1850, they were passed. The biographer of Cass, from whom I have already quoted,

and who claims for the Michigan Senator an important share in the result, says: "The different provisions of the compromise bill were finally passed piecemeal. Territorial governments were given to Utah and to New Mexico. California was admitted. Texas was given $10,000,000 in lieu of all title to land included in the territory organized as New Mexico. The slave-trade in the District of Columbia was abolished. An infamous fugitive slave law was passed, providing for summary proceedings and a shameful disregard for the rights of free blacks." [1]

This closed another chapter of compromise between the North and the South on the vexed question of slavery. Whether Mr. Clay could, without the aid of Mr. Webster, have carried through his scheme to the final conclusion reached, cannot be determined; but it is certain that the support which Mr. Webster gave was fatal to the latter's hold on the confidence and respect of a large part of the liberty-loving people of the North; and his latest biographer says that in the 7th of March speech, "He broke from his past, from his own principles and from the principles of New England, and closed his splendid public career with a terrible mistake." [2]

[1] Andrew C. McLaughlin, "Lewis Cass," p. 283.
[2] Henry Cabot Lodge, "Daniel Webster," p. 323.

CHAPTER XV

MARRIAGE—A QUAKER'S SALUTATION—REVEREND SAMUEL RUSSELL—WEDDING TRIP—HOME IN 37 EAST NINETEENTH STREET—DOMESTIC EVENTS—HORACE GREELEY—P. T. BARNUM—JENNY LIND—"BARNUM'S PARNASSUS"—"SEA SCRIBBLINGS"—AMERICAN ART UNION—COURT OF APPEALS DECISION—"MRS. LIMBER'S RAFFLE."

A MORNING newspaper of March 22, 1850, chronicled the fact that on the day before, the 21st, the ships of the Old Line of Liverpool packets were decked with colors in honor of the marriage of Mary Russell Marshall, third daughter of Charles H. Marshall,[1] their agent and part proprietor, to William Allen Butler. I cannot speak of the decorations of the ships from personal knowledge, but the marriage was an undoubted historical event.

[1]At the time of this marriage my grandfather, Charles H. Marshall, had been a widower for 13 years. He had married in 1822 Fidelia, the daughter of Doctor Lemuel Wellman, a noted physician of Piermont, N. H., whose ministrations extended far into the country and neighboring towns. My mother speaks of having often heard how her grandfather was wont to travel throughout the country on horseback with his saddle-bags filled with medicines and surgical instruments, relieving the sick and suffering, and attending to all forms of ailments, from the extraction of a tooth to the severest cases of fever and surgery.

Doctor Wellman's wife—Esther Steele Russell—was a grand-daughter of the Reverend Samuel Russell, in whose house in 1700 the ten "reverend ministers" met who took the first step in the foundation of Yale College.

The Yale *Alumni Weekly* of October 16, 1901, refers thus to the commemoration of this event:

"While wishing to do honor to the great men of Yale, the alumni, who have time, will be well repaid by a visit to the nearby town of Branford, where, in

It took place at No. 38 East Fourteenth Street, Union Square. The vernal equinox never happened on a finer day, and its noontide sunlight, which shed its radiance on bride and bridegroom, was a happy presage of the kindly light which was to illuminate their path ever after. They were married by the Reverend William Snodgrass of the Fifteenth Street Church. He survived to be present at their silver wedding in 1875, but died not long after that event. Of the many wedding guests very few are now living. Some who were little children then, hardly able to remember the occasion, are now on the verge of old age, but of the older participants only a small remnant survive.

I must relate a striking salutation which the bridal couple received from a Quaker client of mine, a shrewd dry-goods merchant, who, when presented to them by an usher, surveyed the bride, whom he had never seen before, and then with the utmost deliberation proceeded to say: "William, I think thy bride has shown more judgment in her choice than thee has." Fortunately, before I

November, 1900, was placed in the public square a granite stone in memory of the ten reverend ministers who there met two hundred years before, to take, with humble faith, the first step in the founding of Yale College. The stone bears the name of the ten ministers with this inscription:

"In the house of the Rev. Samuel Russell,
Once standing near this spot,
Was held in 1700,
The meeting of Ministers of the
Colony of Connecticut,
When they gave Books for the founding
of the Collegiate School,
Which now bears the name of
Yale University."

—Ed.

could turn to resent this strange declaration, he continued as follows: "Because it takes some time to discover thy good qualities but hers can be seen at a glance." For genuine Quaker wit this will be found hard to match.

On our wedding trip, which extended as far south as Richmond, we stopped at Washington. We called at the White House, and were graciously received by President Taylor. I had a curiosity to see the hero of the many victories of Mexico which had won for him the highest place in the gift of the country. He did not altogether belie his cognomen of "Old Rough and Ready," for he was a somewhat weather-beaten soldier. But no man who has had the command of armies is wholly out of place in any supreme position, and in his case, as with other military presidents, there was no violent transition from Major-General to Chief Executive. The interest of our visit was much heightened in the retrospect by the fact that it was only a few weeks later that he passed away. Mr. Webster, in his speech of the 17th of July, a few days after the sad event, made a fine panegyric on the departed President, and in alluding to the universal expressions of regret, ended with one of those apt classical quotations of which he was so fond:

> "Such honors Ilium to her hero paid,
> And peaceful slept the mighty Hector's shade."

While we were in Washington, the funeral of Mr. Calhoun took place in the old Senate chamber, and we were present at the ceremonies, which were most impres-

sive. The chamber was crowded with the most distinguished men in the service of the country, of all parties. In spite of the fact that Mr. Calhoun had been during all his political life almost a monomaniac on the subject of slavery and the supremacy to which the slave power was entitled in the affairs of the Union, he was held in respect for his integrity, ability and high personal character.

In anticipation of my marriage, I had bought from William M. Evarts, whose family had outgrown it, a house in East Nineteenth Street, No. 37, one of a row of five twenty-foot front houses built by Daniel Lord, the eminent lawyer. One of these houses was occupied by his son-in-law, Henry Day, and two of them, respectively, by his sons Daniel D. and John C., the former of whom had married my sister, Mary Howard, in 1844.

I bought the house at 37 East Nineteenth Street for $6,150. After living in it five years I sold it for $8,000 to Dr. Willard Parker, who presented it to his eldest daughter on the day of her marriage to my brother, Benjamin F. Butler, Jr. My brother and his family lived in it for over six years, and then it was sold for $13,000; and later on, after some important improvements had been made in it, it was again sold for $33,000. The moral of this is that if you happen to own property in a growing part of the city, unencumbered by mortgage, it is best to hold on to it. This being an exception to the rule that "Riches take unto themselves wings and fly away."

In this house our oldest child, Charles Marshall, was

born February 24, 1851, and here he died August 19, 1852, a bright and beautiful life cut off in less than eighteen months after its commencement. Our second son, William Allen, Jr., was also born in this house.

During a part of our residence in Nineteenth Street our next-door neighbor was Horace Greeley, who carried his personal eccentricities to some extent into his domestic arrangements. He kept a goat in his back yard, and appealed, when necessity required, to his neighbors to aid him in looking after his gas meter when the lights went out. As the houses in our row were identical in appearance, it was not strange that Mr. Greeley, with his mind intent on great affairs, should mistake one of the others for his own. Returning home one time carrying a box of tea, he made an ineffectual attempt to enter my house. My wife, hearing some one at the front door, opened it rather suddenly, and the founder of the *New York Tribune* was precipitated, tea-chest and all, into our front hall.

Many years later, in the presidential campaign of 1872, a despairing effort was made by the Democratic party in nominating Horace Greeley in opposition to General Grant. This ludicrous attempt at a change of front in the presence of an invincible force, resulted in the utter discomfiture of the veteran anti-slavery editor, who made but a grotesque figure as a presidential aspirant. From the moment when, at the close of the war, he rushed to Richmond to sign the bail bond of Jefferson Davis, he fancied himself to be the center of an influx of popular-

ity which only wanted an opportunity to attest its power by elevating him to the presidency. His utter defeat at the polls was a rude shattering of unfounded hopes, and a heart-breaking catastrophe. When he died, shortly after his defeat, General Grant came to New York to attend his funeral, an act which the *Tribune* acknowledged as a mark of respect to a political opponent worthy of the magnanimous character of the man who paid it. It is a noteworthy illustration of the shifting character of our American politics that Greeley, whose control of the great anti-slavery organ which he founded made him one of the chief promoters of the Republican party, and an abiding force in its councils, should have closed a political career by an abortive attempt to secure the presidency as the leader of the Democratic party. But the good work he did against that party survives, and his best epitaph was found in the legend so long displayed at the head of the editorial columns of the *Tribune*, "Founded by Horace Greeley." When and why these four words were dropped from their accustomed place I do not know.

In the summer of 1850, Phineas T. Barnum, famous for the Museum at the corner of Broadway and Ann Street, which bore his name, and also famous for his management of circuses and caravans, as shows of wild animals were then designated, astonished the American public by capturing Jenny Lind, with whose praises all Europe was ringing, and bringing her to this country under his management. As she did not sing in opera, the man-

agers of that form of entertainment could not include her in their arrangements, but the shrewd showman had the tact and courage to believe that Jenny Lind, on the concert platform, would be as attractive as in an operatic company on the stage. I had heard Jenny Lind at Exeter, in England, while on a visit to the cathedral of that old town. Wherever she went, she was an object of great interest and curiosity, and crowds would gather in front of her hotel, singing:

> "Jenny Lind O! Jenny Lind O!
> Come to the window!"

But she came not, and the only way of seeing and hearing her was to purchase an admission ticket to the hall where her marvelous voice filled the place with melody and her hearers with delight.

Jenny Lind's first concert was given—of all places in the world—in Castle Garden! It was, of course, a great event. I was there, and wrote an account of it for *The National Intelligencer* of Washington, for which I was an occasional correspondent. I think the audience hardly equaled in numbers Barnum's expectations, but believe the results of the Jenny Lind concerts, as a whole, satisfied the showman. However, he afterward wisely confined himself to wild animals and the ring.

Before her arrival, and as a characteristic stroke of policy, Barnum advertised a prize of two hundred dollars for a song, the singing of which by Jenny Lind was to be a feature of the opening night of her American engage-

ment, the prize to be awarded by a committee whom he named. This made quite a stir in literary circles. George P. Morris, whose poetic reputation rested chiefly on his popular poem "Woodman, Spare That Tree," was at that time editing in partnership with Nathaniel P. Willis *The Home Journal*, then a literary weekly in New York. Willis gave out in the columns of that paper that "the acknowledged best song-writer of America" declined to compete for Barnum's prize. A clear field was thus left for all the rhymesters in the land. It was understood that Barnum took refuge from the avalanche of competing contributors, with which he was likely to be overwhelmed, by a timely arrangement with Bayard Taylor, who furnished what was supposed to be the successful song. In the mean time it occurred to me that some fun might be got out of the situation, and I published a booklet of about fifty pages under the title of "Barnum's Parnassus: Being Confidential Disclosures of the Prize Committee on the Jenny Lind Song." My venture was on the plan of Horace and James Smith's "Rejected Addresses," and described the Committee as receiving and reading, with growing bewilderment and confusion, songs which were, in the main, good-natured parodies[1] on Hal-

[1]The writing of parodies was an occasional pastime with my father. "Sea Scribblings," as he called some light poems written on one of our European trips and afterwards published and sold for the benefit of a local charity, contains "Samples of Epics—Furnished 'on approbation' at the request of a lady who desired an Epic on the *Bothnia*." The samples are "I.—Classic," in style after Virgil; "II.—Genuine Poet Laureate," in the style of Tennyson's "Lotus Eaters"; "III.—Advanced Modern School;" "IV.—Latest Novelty—Patent Applied For."

I have been tempted to insert some of these samples, but I am deterred from

leck, Bryant, Longfellow, Holmes and other bards. "Barnum's Parnassus" was published by the Appletons and was quite a success. It went through three editions.

In the year 1852 occurred a disastrous termination of The American Art Union. A few leading spirits in New York, enthusiastic in their efforts to aid American artists and establish American art on a secure foundation of public sympathy, had availed themselves of the charter of a society organized in 1840 known as the Apollo Association. They changed its name to The American Art Union and organized a plan of operations similar to that of the Art Union authorized by Act of Parliament in England and which had proved a great success.

On my return from Europe in 1848, finding this movement in progress, I had united in it with much ardor, becoming one of the directors, and as such was associated with some of the leading men of the city. Amongst them was Charles P. Daly, Chief Justice of the Court of Common Pleas, whose coöperation was apparently a sufficient guarantee of the legality of the corporation's action. Membership in the Art Union was secured by the payment of an annual subscription of five dollars. The subscription money was applied to the purchase of works of American artists, and to the maintenance of a free gallery

doing so by a cautionary sentence of my father's, with which he replied to a request to print some humorous sayings uttered at the Twelfth Night festival of the Century Association on January 6, 1899. The sentence appears on the title-page of the book printed to commemorate that occasion: "Nonsense drawn from the wood and consumed on the premises is a grand exhilarant. Bottling for export is a hazardous experiment."—Ed.

for the exhibitions. The gallery was on the westerly side of Broadway in the neighborhood of Greene Street, on a level with the sidewalk and accessible to the entire public. Each subscriber was entitled to a monthly bulletin devoted to the interest of art, and also to one or more large sized engravings by American artists. At the close of each year the works of art were distributed by lot at the annual meeting among the subscribers.

The Art Union, under its new and active management, proved a great success. Its list of subscribers rose to fifteen thousand and its ample funds enabled it to give to American artists a practical recognition of the most substantial and inspiring character. The annual meetings for distribution, held in the Broadway Tabernacle, then the largest auditorium in New York, were scenes of great enthusiasm. At one of them I recall a very neat bit of platform tactics by General Prosper M. Wetmore, the president of the society. In making the annual report he alluded to some criticism which had been made as to the action of the board of directors in giving a reception in advance of the public opening of the gallery, and providing a collation at a cost of some three hundred dollars, which was claimed to be an unauthorized expenditure. He explained the necessity of interesting leading men of the city in the work of the Art Union and the advantage which had been secured by inviting them to a private view of the exhibition before it was thrown open to the public. Then, after justifying the expenditure, he put the question of approving the action of the directors

to a vote. This was unanimous in their favor. When the applause which followed the announcement of the vote had subsided, General Wetmore very quietly said: "Well, the directors paid for that collation out of their own pockets."

These halcyon days of American art were brought to an abrupt and stormy close. The American Art Union had incurred the antagonism of some dealers in foreign pictures and prints, and a proceeding was set in motion against it on the ground that its objects and methods were in violation of the provisions of the State Constitution prohibiting lotteries and the statute against lotteries and raffling. The fact that each subscriber became entitled to a share in the distribution of the property by lot was claimed to be of the very essence of a lottery and within the prohibition of the law. The American Art Union made a brave fight and relied as a precedent for its legality upon the English society on which it had been modeled. The immunity enjoyed by its English prototype, however, had been gained by a special Act of Parliament, a body restrained by no constitutional barriers, while in New York, from 1821 to the present time, the State Constitution has prohibited the Legislature from sanctioning lotteries.

Setting aside, therefore, the contentions by which Charles O'Conor, then the foremost leader of the bar, sought to distinguish the scheme of the Art Union from one within the penalties of the law, the Court of Appeals pronounced its doom. The good it was doing and the

pure motives of its promoters were fully conceded by the court, but there stood the Constitution and the law, and the fact that the scheme was wrought out by an appeal to the universal passion for playing at games of chance brought it under the ban. The court said: "The prohibition was not aimed at the object for which lotteries had been authorized, but at the particular mode of accomplishing the object. It was founded on the moral principle that evil should not be done that good might follow, and upon the more cogent, practical reason that the evil consequent on this pernicious kind of gambling greatly overbalanced in the aggregate any good likely to result from it." [1]

This decision was undoubtedly right. The only excuse that can be offered for the learned lawyers, eminent merchants and art-loving citizens who were united in carrying on the good objects of the association, is that it never occurred to any of them in their unselfish work that they were violating any law.[2]

[1] New York Reports, p. 237.

[2] The recollection of this controversy was undoubtedly one of the things which almost twenty years later caused my father to write his short story entitled "Mrs. Limber's Raffle, or, A Church Fair and Its Victims," first published in 1876, and again in 1894.

In the preface to the second edition, the auther says that the book was published in 1876 anonymously, "in order that the moral which it sought to enforce might stand on its own merits free from any element, either of strength or weakness, attaching to personal advocacy. . . . A new edition of the story being called for, its authorship is avowed; and attention may fitly be called to the great advance in sound public opinion on the subject of lotteries, during the eighteen years which have elapsed since its first publication."—Ed.

CHAPTER XVI

PRESIDENTIAL CAMPAIGN OF 1852—FRANKLIN PIERCE—NATHANIEL HAWTHORNE—CONSTITUTIONALITY OF FUGITIVE SLAVE LAW—BENJAMIN F. BUTLER'S ATTITUDE TO FREE SOIL PARTY—RESULT OF ELECTION—WORLD'S FAIR OF 1853—CRYSTAL PALACE—DOMESTIC EVENTS—MRS. BENJAMIN F. BUTLER—HER ANCESTRY—LIFE—DEATH AND FUNERAL.

THE year 1852 brought around again the presidential nominations and a presidential election. The Compromise Measures of 1850 had been effective in lessening the agitation in reference to the question of slavery in the new Territories and had been, to a large extent, accepted by both the Whig and Democratic parties as a finality so far as pending questions growing out of slavery were concerned. The fatally disturbing factor was the Fugitive Slave Law. Its inhuman provisions made it an abomination to every liberty-loving man in the North, to many of the leaders in the anti-slavery agitation, and especially to the Abolitionists and men of extreme anti-slavery views, who in both the national parties had taken part in the Free Soil movement of 1848. The Abolitionists denounced the law as unconstitutional and demanded its immediate repeal on that ground. Salmon P. Chase, whose prominence in the Buffalo Free Soil Convention had been supplemented by his greater prominence as a United States senator from Ohio, took this view, and,

although claiming to adhere to the principles represented by the Democratic party, insisted that all Democrats and Whigs alike who had ranged themselves under the Free Soil banner unfurled at Buffalo, should unite in a third party movement to uphold the doctrines for which it stood.

In the meantime, under the influence of the Compromise Measures and in the belief that they afforded reasonable ground for supposing that the slavery agitation was virtually at an end, members of both the old parties had been gradually falling back into their ancient relations. This was especially the case in New York, where "Old Hunkers" and "Barn-burners" met to smoke the pipe of peace and renew their vows against their old enemies. The Democrats in turning over the State to Taylor and Fillmore in 1848 had necessarily given the ascendency to the Whigs, who were now in possession of all the State offices. This was gall and wormwood to the Democrats, and, on the basis of the Compromises of 1850, they got together for the purpose of a continued attack on the common foe. Accordingly there was a united delegation from New York to the Baltimore Convention held June 1, 1852, in which the struggle between the rival candidates Cass, Buchanan, Douglas and Marcy ended on the forty-ninth ballot in the nomination of Franklin Pierce, of New Hampshire, for president, and William R. King, of Alabama, for vice-president.

The nomination of Pierce, like that of Polk in 1844, was a surprise; but he was not without qualities appeal-

ing to popular sentiment. He was the son of a revolutionary soldier, a graduate of Bowdoin College, Maine, had served in the legislature of New Hampshire for four years, afterwards in Congress as a representative, and then in the United States Senate, where he was the youngest man in the body. He had declined the attorney-generalship tendered to him by President Polk; also an election as United States senator for the second time, and the nomination for governor of New Hampshire. At the outbreak of the Mexican War he was commissioned a brigadier-general and served creditably under General Scott. He was a man of engaging manners and personal popularity.

I well remember my father coming home one evening, while we were living in Washington, greatly pleased at being the recipient from Senator Pierce, with whom he had formed a pleasant acquaintance, of two volumes written by a New England author, a fellow-townsman in Concord, for whom the Senator predicted a brilliant literary career. These were the "Twice Told Tales" of Nathaniel Hawthorne, whose name is pleasantly associated with that of Franklin Pierce. While the latter was running for president, Hawthorne turned his pen to the rather uninspiring task of writing a campaign life of the candidate, a work which occupies about one hundred pages in one of the volumes of his complete works, and is, probably, the least read of any contained in the collection. Hawthorne, who had served in the Boston custom-house in a subordinate position during President Van Buren's

administration, was appointed surveyor of the port of Salem by President Polk in the spring of 1846, but had been removed in the winter of 1849. On the accession of his friend General Pierce to the presidency he was rewarded by appointment to the lucrative post of consul at Liverpool, and was thus enabled to pursue his literary studies and labors in Europe, and especially in Italy, which became his favorite foreign abode after the expiration of his consulship. Perhaps the greatest service that President Pierce rendered the country was making it possible for Hawthorne to write "The Marble Faun," a book which to be fully enjoyed should be read where it was written, in Rome, between the Capitol and the Church of the Capuchins.

The platform adopted at Baltimore was made satisfactory to the South. It upheld non-interference by Congress with slavery in the States, declared the Compromise Laws of 1850 a finality as to anti-slavery agitation, and upheld them all, including the Fugitive Slave Law. The Democrats of the North, who had united in the Free Soil movement of 1848, but who returned to their party allegiance in 1852, denounced this platform; nevertheless they supported the nominees of the convention, in the professed belief that the important question of the exclusion of slavery from the Territories had been substantially settled in favor of freedom, and that the Compromise Measures of 1850 secured the best solution of the questions involved in the anti-slavery agitation which it was possible, at the time, to obtain.

On July 15, 1852, Mr. Chase addressed an open letter to my father, which was published in the newspapers and widely circulated, calling upon him to support the candidates who should be nominated at the approaching so-called Free Soil convention to be held in August. It was quite evident that this convention, instead of being a body representing, as in 1848, Whigs and Democrats united in opposition to the extension of slavery into free territory, would be controlled by the extreme anti-slavery men and would maintain, among other things, the unconstitutionality of the Fugitive Slave Law.

My father could not identify himself with such a movement, and he replied to Mr. Chase in a letter, published in the *Evening Post*, July 31, 1852, in which he reviewed with great particularity the history of the origin and purposes of the Free Soil party and avowed his adhesion to its principles, but declared that while he abhorred the inhumanity and injustice of the Fugitive Slave Law he could not regard it as unconstitutional or accept a platform which contained such a proposition. He held that the question of slavery in the Territories had, for the time being, been practically settled by the Compromise Measures of 1850, and said that he desired the success of the Democratic candidates in order that their party might be charged with the entire responsibility of the government, it being his belief that the party would deal with the questions agitating the public mind in connection with slavery in a just and patriotic way. But he said that if it should lend itself to a crusade against freedom the

duration of such misrule would be for only four years, which are "but as four days in the life of a nation, and though this period is long enough for the accomplishment of much mischief, should men in power set themselves about it, yet in the virtue and intelligence of the people and in the favor of Providence we may confidently hope for an early and ample corrective."

Pierce and King swept the country, General Scott, the Whig presidential candidate, receiving the electoral votes of only four States; and Pierce became president under circumstances which seemed to favor another era of good feeling. He was the youngest man who, up to that time, had been elected to the presidency, and it is said that the ceremony of his inauguration was witnessed by the largest number of people ever gathered in Washington to assist at the inauguration of a Chief Magistrate. The public interest in him was greatly heightened by the fact that in the month of January after his election, he lost his only living child, a boy of great promise, who was killed in a railroad accident while travelling with his father and mother.

On July 14, 1853, President Pierce came to New York and inaugurated the "World's Fair," as it was called, held in a "Crystal Palace" in imitation of that erected in London in 1851. He rode on horseback through Broadway up to Forty-second Street and Sixth Avenue, where the great glass building was situated. My recollection is that a drenching shower, which came down upon the procession somewhere about Eighteenth Street, compelled

him to dismount and take refuge in a shop and procure some changes of raiment. At home, the day was signalized by the birth of William Allen Butler, Jr., an exhibit more interesting to his parents than any of the wonderful things from different parts of the globe under the dome of the Crystal Palace.

The enterprise of the World's Fair was in private hands, and quite a fever of speculation set in for the shares, in the expectation of great pecuniary results. But these hopes were disappointed. The summer proved exceptionally hot, deterring strangers from coming to New York; and while the exhibition contained many objects of interest it was a failure as a financial enterprise. It now seems quite an insignificant affair in a retrospect which includes the Centennial Exposition at Philadelphia, the great expositions of Paris and the World's Fairs at Chicago, and at St. Louis.

Scarcely more than a week had elapsed from the opening of the Crystal Palace before my dear mother died, on July 22, 1853, at the house of her son-in-law, John P. Crosby, No. 7 Neilson Place, in the City of New York. She had been in failing health for several months. My father had sold his house in Washington Place, and he and my mother were making a visit to their eldest daughter, Mrs. Crosby, when a fatal attack of illness ended my mother's life. She was comparatively young, being only in her fifty-sixth year. She was married to my father at Hudson, N. Y., May 11, 1818, and a happy wedded life of thirty-five years followed the union. Of

nine children, one, Hannah Tylee, died at Albany at the age of six years, and another, Susan Vanderpoel, died at Washington at the age of two years, while seven survived her: Margaret Barker,[1] wife of John P. Crosby; Harriet Allen,[2] wife of Edmund Dwight; Mary Howard,[3] wife of Daniel D. Lord; William Allen, Benjamin Franklin;[4] Eliza Ogden, afterwards the wife of Thomas S. Kirkbride, M.D., of Philadelphia, and Lydia Allen, afterwards the wife of Alfred Booth, of Liverpool, England.

My mother was of Nantucket descent on the maternal side. Her father, Howard Allen, had married Lydia Hussey, a native of Nantucket and a direct lineal descendant of Peter Folger, who was the most distinguished of the early settlers, and an ancestor of Benjamin Franklin on the mother's side. The Husseys were of the Quaker faith and my grandparents settled with those who migrated from Nantucket to Hudson, Columbia County, in the State of New York, planting a populous colony on the eastern bank of the river, whose name they gave to their settlement. The State of New York gave the newcomers a liberal charter, and as the river was navigable by whale ships as far up as Hudson, they transferred to its waters the enterprise for which their island had been celebrated, and many vessels sailed from the new port in quest of spermaceti and whalebone. Hudson, in due course, became the county seat, and was distinguished by an able bar and by public men of high

[1] Died 1894. [2] Died 1903. [3] Died 1880. [4] Died 1884.

character and great influence in the councils of the State and nation.

Although my mother's family and friends were, almost without exception, Quakers, she withdrew from the Society of Friends and joined the congregation in Hudson of the Rev. Benjamin F. Stanton, a Presbyterian clergyman. He was a man of rare gifts, an eloquent preacher, and of an attractive personality. My father and mother were both warmly attached to him, not only during the comparatively short time they lived in Hudson after their marriage, but always thereafter. He was a Calvinist of the old school, but this ultraism in doctrine did not impair his popularity as a preacher. Indeed, it greatly influenced the religious opinions of his hearers. I think my mother never lost the impression which he made upon her religious nature; and my father, to the end of his life, adhered, I think, in the main to the doctrines preached by his early friend and pastor, although he would never accept office in the Presbyterian Church, from an unwillingness to subscribe to all that the Westminster Confession contained.[1]

Mr. Stanton's ministry in Hudson lasted for nine years, when, owing to failing health, he went first to Connecticut and then to Virginia and Alabama. On his return to the North, shortly before his death at the age of fifty-three, I heard him preach a sermon in the Mercer Street Church

[1]It was probably for the same reason that my father likewise never accepted office in the Presbyterian Church, although he was numbered among its most devoted adherents.—Ed.

to which I listened with the greatest interest, because his name had been a household word in our family for many years. Although there were traces of the ancient vigor in an occasional sentence, it was hard to believe that the frail figure in the pulpit before me was really the impassioned and eloquent preacher of whom I had heard so much from my father and mother. He died in 1843. A volume of his sermons was published by his widow in 1848.

Although my mother had left the fold of the Quakers for the broader pastures of the Presbyterian Church, she retained through all her life their steadfastness of character. Hatred of oppression and shrewdness of perception were ancestral traits to which she was no stranger. Her residence in Albany brought her into acquaintance with all the leading public men of the State and qualified her for the larger social experience in the national capital. The close relation in which she and my father stood to Martin Van Buren aided the influence of the natural gifts and mother wit which belonged to her in her own right. But the society life at Washington was not to her taste, and she continually urged my father's withdrawal to a more private sphere and the fuller enjoyment of the home circle in which she found her supreme delight and of which she was the central charm.

At her funeral in the Mercer Street Church, on the Sunday afternoon following her death, the Reverend George L. Prentiss, D.D., then the pastor of the church, delivered a beautiful address. As it was extemporaneous

I wrote it out from memory and sent my manuscript to Doctor Prentiss, who returned it to me unaltered with the exception of a single word, and with a note expressing his wonder that I could so nearly reproduce his remarks. He was accustomed afterwards to cite this as a remarkable exercise of memory, but the address so interested me in the hearing that I retained almost exactly the very words in which its consoling and inspiring thoughts had been clothed.

My mother now lies in our family plot in Woodlawn, and her grave is marked by a stone on which are engraved the following lines written by my father:

"Wisely didst thou, true wife and Mother, bear
Life's toils and trials and its follies shun;
Fond, faithful, firm; Duty thy ceaseless aim;
CHRIST all thy hope were every duty done.

His was the grace that crowned thy life of love
To him our smitten hearts entrust thee now;
By faith we see thee with the saints above
And to his chastening hand submissive bow."

CHAPTER XVII

REPEAL OF MISSOURI COMPROMISE—STEPHEN A. DOUGLAS—POPULAR SOVEREIGNTY—KANSAS-NEBRASKA BILL—BORDER RUFFIANS—JOHN BROWN—"THE CRIME AGAINST KANSAS"—ASSAULT BY BROOKS ON SUMNER—MEETING IN BROADWAY TABERNACLE—PIERRE SOULÉ —THE "BLACK WARRIOR" EPISODE—OSTEND MANIFESTO—ANTHONY BURNS—THE UNDERGROUND RAILROAD—"UNCLE TOM'S CABIN."

THE first meeting of Congress after the election of Franklin Pierce was in December, 1853. In his first message, the new President made fair promises in respect to national affairs. He congratulated the country on the sense of repose and security in the public mind which the Compromise Measures had restored. "This repose," he assured the people, "is to suffer no shock during my official term if I have power to avert it."

The promised period of repose was of short duration and was broken by a rude awakening. The Southern leaders, emboldened by their success in 1850, and secure in their domination in the councils of the Democratic party, lost no time in setting on foot new plans in the interest of the slave power. That fateful word "Compromise," linked from the beginning with the fortunes of slavery, was made to take on a new and portentous signification. Ever since the year 1820 what was known as the Missouri Compromise had stood unchallenged on the

national statute book. By the terms of the act of Congress which admitted Missouri as a State, slavery was prohibited north of latitude 36° 30.′ The territory thus protected embraced the entire region lying west and northwest of Missouri, extending to the Rocky Mountains. Out of this territory six States have since been formed—Kansas, Nebraska, North Dakota, South Dakota, Montana and Wyoming, as well as a part of Colorado. Of this vast region, more than ten times as large as New York, only a small portion was populated, and that very sparsely. But it had been consecrated to freedom by an Act which, during a period of more than thirty years, had been acquiesced in by the people of the entire country and which the North had always regarded as an impregnable barrier against any effort to engraft slavery upon any portion of the public domain lying north of the boundary line solemnly established by Congress in pursuance of the Missouri Compromise.

Soon after the opening of Congress at the end of 1853, and in connection with a bill for the organization of the Territory of Nebraska, the country was startled by the deliberate proposal of Democratic leaders in the Senate to repeal the Missouri Compromise. Stephen A. Douglas, of Illinois, a bold and able politician, ambitious of putting himself at the head of his party, was the leader in this new scheme of pro-slavery aggression. It was largely based on the pretext that the Compromises of 1850 had introduced a new principle with regard to the right to maintain slavery in the Territories of the United States,

and that in place of restrictive regulation by act of Congress, the people of the Territories had the right to decide for themselves all questions pertaining to slavery within their borders. In other words, the entire region from which slavery had been excluded was now to be thrown open to all the slave-holders of the South and West who might choose to emigrate thither and plant themselves, with their families and slaves, upon its fertile soil. Douglas christened his new doctrine by the name of "Popular sovereignty." His enemies dubbed it "Squatter sovereignty."

A cry of alarm and indignation went up from the entire North. For the first time the eyes of many who had sympathized with the South in its complaints against abolitionists and emancipators were opened to the true character of the slavery propaganda, and the means by which they were promoting the extension of slavery. To repeal the Missouri Compromise was looked upon as a treasonable act, and the feeling spread through the North that it would be in fact, as in reality it proved to be, a blow at the integrity of the Union and the supremacy of its government.

While it is probable, perhaps certain, that Franklin Pierce was not "an accessory before the fact" to this infamous scheme, he gave it his ready acquiescence. He must have known that hardly a greater shock could be given to the repose he had promised than by this surprising project. It is said that after Douglas had determined upon his course he sought an interview with Jefferson

Davis, who was Secretary of War, and went in company with him to the White House to lay his plans before the President. This was on Sunday, January 22, 1854, and although it was understood that the President was strictly opposed to receiving visits or discussing political affairs on Sunday, Douglas considered the matter so urgent that Davis accompanied him to the Executive Mansion, and, after a private interview with the President, secured his attention to the arguments of Douglas by which the Chief Magistrate was won over to give his approval and to promise his support to the plan of repealing the Missouri Compromise. The historian who records the transaction says: "On this Sunday he had the power to fulfill the solemn pledge he had given the nation and its representatives; but his hankering after a renomination made him easily susceptible to the influences which were brought to bear upon him." [1]

From this time till the end of May, 1854, when the repeal of the Missouri Compromise was accomplished, the whole country was in a ferment. Both in and out of Congress public men on both sides of the absorbing question discussed it with unusual warmth and vehemence. Public meetings were held throughout the North; and memorials protesting against the threatened breach of national faith were poured into the Senate and House of Representatives. Very many of the clergy throughout the North, who, dreading the suspicion of complicity with the Abolitionists, had hitherto shrunk from bringing politics into

[1] Rhodes, "Hist. of the United States," vol. I, pp. 437, 438.

the pulpit, now broke away from their scruples and joined in these appeals for the preservation of the compact of 1820. But all in vain. Douglas at the head of the Southern Democracy and their pro-slavery allies at the North carried forward his scheme of legislation with a high hand. The original Nebraska Bill was amended so as to provide for the formation of the Territory of Kansas as well as Nebraska, the former including the territory bordering on Missouri and extending westward to the Rocky Mountains. In both of these Territories Douglas claimed that the people should be allowed to legislate for themselves upon the question of slavery, and branded the opposition to the measure as a "tornado" "raised by Abolitionists and Abolitionists alone."

Chase, Sumner and Seward ably resisted in the Senate the consummation of the pro-slavery plot, and exposed the treachery and duplicity which characterized it. As spokesmen of all in the North, who without respect to party ties or affiliations, were opposed to the encroachments of the South, they set in array the impending battle between the forces of freedom and slavery.

The Kansas-Nebraska Bill, embodying the repeal of the Missouri Compromise and opening the way for peopling the newly organized Territory of Nebraska by Southern slave-holders, was pushed through both Houses of Congress, and on May 30, 1854, was signed by the President. The first fruit of this iniquitous measure was the appearance of a new and unique class who have passed into history as "the Border Ruffians." These

were citizens of Missouri living on or near the dividing line between their slave-holding State and the hitherto free territory of Kansas. They began in the summer of 1854 to invade the new Territory, not for the purpose of permanent residence, but to overawe, outvote and outfight the immigrants from western States and from New England.

Largely under the influence and with the assistance of the Emigrant Aid Society, whose headquarters were in Massachusetts, many persons had flocked to Kansas to plant themselves there and secure its exemption from the blackening influences of slavery. Their intentions were peaceful, but were reinforced by plentiful supplies of Sharp's rifles, death-dealing implements well-known in the military vocabulary of the time. Territorial elections in Kansas were made to result in favor of pro-slavery candidates by the incursion of armed Missourians and their lawless acts of violence. At the election for a delegate to Congress in November, 1854, over seventeen hundred of these Border Ruffians rushed into Kansas and secured the election of a pro-slavery delegate. Later on, in March, 1855, a similar act of invasion and violence was perpetrated by five thousand Missourians. Andrew H. Reeder, a Pennsylvania pro-slavery Democrat, who had been appointed the first governor of Kansas, but was too honest to continue long in office, stated on his return, in April, 1855, in a speech at Easton, Pa., that "the Territory of Kansas in her late election was invaded by a regular organized army, armed to the teeth, who took pos-

session of the ballot-boxes and made a legislature to suit the purpose of the pro-slavery party"; and he assured his hearers that "the accounts of fierce outrages and wild violences perpetrated at the election published in the Northern papers were in no wise exaggerated." [1]

From this time forth the struggle between freedom and slavery in Kansas went on in single-handed encounters, midnight murders, cowardly assassinations, conflicts between armed bands, open warfare, and the burning and pillaging of buildings and property owned by the settlers from the free States. Lawrence, their chief town (named, I presume, after Amos A. Lawrence of Boston, who had given liberally to the Emigrant Aid Society, of which Eli Thayer, a prominent Massachusetts Abolitionist, was the main promoter) was attacked by the Border Ruffians and suffered severely at their hands.

At Washington, the President and the pro-slavery senators and representatives did their best to aid and support the organized ruffianism of the borders, and to defeat the will of the permanent settlers in Kansas, while the Congressional debates and conflicting voices on platform and in the press kept alive the agitation. As the constant reiteration of two words "Wilmot Proviso" had marked the period of the long struggle over the admission into the Union of the territory acquired by the treaty with Mexico, so, during the rest of the Pierce administration, "Bleeding Kansas" became a household expression in all the North and the battle-cry in this new struggle with the slave power.

[1] Rhodes, "Hist. of the United States," vol. II., p. 83.

In the lurid atmosphere engendered by the blood and carnage of the constant strife in Kansas, the name of John Brown appears as a red-handed avenger. He came from Ohio to Ossawatomie, where his sons had settled, and cast in his lot with the struggling settlers who were fighting for freedom. In May, 1856, after the attack on Lawrence with its consequent loss of life and property, Brown, who had been unable to reach the city in time to join in its defense, felt called upon to take revenge upon the pro-slavery men near his home. He seems to have been possessed with the insane notion that he was divinely commissioned to hew the Agag of slavery in pieces before the Lord, and, full of the ideas of Old Testament vengeance, he compelled four of his five sons, a son-in-law, and two other men to march forth with him in the dead of night to capture and kill the victims of his intended violence. Going from house to house they seized in all five men, dragged them from their homes, butchered them, and left their dead and mutilated bodies on the highway. These midnight murders accomplished, Brown returned to his home, and it is said that when he lifted up his hand to ask a blessing on the morning meal it was still stained with the blood of his victims. Brown was execrated by the pro-slavery leaders, who tried to capture him; but he repelled their attacks and maintained his stand until he finally quitted Kansas to mature his larger plans for doing the Lord's will in the destruction of slavery. There is no allusion to this atrocious crime of John Brown in Senator Wilson's "Rise and Fall of the Slave Power in

America," although he goes minutely into the details of the war in Kansas. This circumstance makes me doubt his entire impartiality as a historian.

The most startling and deplorable incident of the struggle over the Kansas-Nebraska Bill in the halls of Congress was the cowardly and murderous assault by Preston Brooks, a representative from South Carolina, on Senator Charles Sumner of Massachusetts. When Mr. Webster was called by President Filmore into his Cabinet, pending the contest in Congress over the Compromises of 1850, Robert C. Winthrop was appointed by the Governor of Massachusetts to fill the seat left vacant in the Senate by Webster, for the remainder of his unexpired term. When the legislature of Massachusetts met early in 1851 there were two United States senators to be chosen: one for the short period still unexpired of Webster's term, and another for the full term of six years. After a struggle between Whigs, Democrats and Free Soilers and as the result of a combination between the two last-named parties, Charles Sumner was chosen, April 24, for the long term. Robert Rantoul, Jr., was chosen for the short term.

Sumner took his seat in the Senate in December, 1851. In personal appearance he was no unworthy successor in the Senate of Daniel Webster, whose unique and unapproachable personality had been for ever withdrawn from that body. To a commanding presence, and features denoting superior intellectual power, Sumner added a remarkable gift of oratory and almost inexhaustible resources of learning. For some time after his entrance

into the Senate he was on good terms with his associates in that body, notwithstanding the fact that he represented extreme anti-slavery opinions and had been outspoken and violent in his denunciations of the Fugitive Slave Law, the crowning iniquity, in his view, of the Compromises of 1850.

As the purposes and plans of the slave-holding oligarchy were gradually developed, and the insolent threats by which they were accompanied in both Houses of Congress became more and more intolerable, Sumner took up the gauntlet thrown down by the South in the arena of national politics. He made a deliberate attack, not only upon the party measure of the Democrats embodied in the Kansas-Nebraska bill, but also upon the chief promoters of the infamous measure, notably Andrew P. Butler, a senator from South Carolina, and Stephen A. Douglas, the Northern champion of the Southern scheme.

Sumner's famous speech, "The Crime Against Kansas," was delivered in the Senate May 19, 1856. It was an elaborate and scathing arraignment of the Pierce administration for its complicity with the Border Ruffians by whose violence the will of the people of Kansas had been subverted and set aside, and contained bitter invectives against Butler and Douglas. The speech was a scholarly and ornate oration, as well as a thorough exposition of the facts upon which he based his indictment of the perpetrators of the crime against Kansas.

At the close of the speech there was a brief interchange

of vehement phrases between Sumner and the senators whom he had especially attacked, but beyond this war of words there was no hostile action. Three days later, on May 22, Brooks committed the assault which gave his name its sole claim to historical memory, and which called forth throughout the North an outburst of horror and execration.[1]

It gave men a glimpse into the infernal depths of the slavery system, from which they recoiled with a new sense of shame and abhorrence. Public meetings were held in many places to denounce the outrage and to express sympathy with the victim, although, perhaps, the predominant sentiment was less that of the commiseration for Sumner than the feeling that the blow which fell on him struck at the freedom of speech which, of right, belonged to a representative of the people.

I was active in arranging a meeting in New York, held in the Broadway Tabernacle, at which men of all shades of political opinion united in condemning, by speech and resolution, the dastardly act which was the occasion of their coming together. I recall particularly the impassioned address by Daniel Lord, then one of the foremost leaders of the bar, a Whig in politics, a conservative in feeling, and far removed from any sympathy with the Abolitionists. He spoke with a force and fervor which deeply stirred his audience, and in describing the character and accomplishments, and the claims to admiration

[1] For a full and graphic description of this assault, see Rhodes, "History of the United States," vol. II, pp. 139–140.

and respect which belonged to Charles Sumner, he made the brutality of the assault to stand forth in vivid colors.

Meanwhile the Democrats in both the Senate and House of Representatives did their best to prevent any condemnation of Brooks or of Keitt, who was also concerned in the assault and the events growing out of it. The Senate committee, composed wholly of Democrats, who investigated the affair, reported they could do nothing except to report the facts to the House of Representatives. The House committee, of whom three were Northern men of anti-slavery opinions, and two Southern Democrats, made a majority report censuring Brooks and recommending his expulsion, while the minority denied any jurisdiction by the House to punish a member for an act done in the Senate chamber. The resolution of expulsion failed for want of a two-thirds vote, while that of censure was passed, both as to Brooks and Keitt, who thereupon resigned their respective seats, went home to their districts in South Carolina, and were immediately returned by their constituents to the House of Representatives. Brooks was lauded and applauded with great unanimity by the Southern men of his party. He was feasted and toasted and made the recipient of innumerable marks of respect and tokens of admiration, especially in the form of canes inscribed in honor of his valiant achievement. It is significant that one of the men who united in this tribute to the assailant of an unarmed and defenseless Senator was Jefferson Davis, the master spirit of the pro-slavery, anti-Kansas cabinet of Pierce. The constituents of

Brooks entertained him at a banquet to which they invited Davis, who replied in a letter in which he held Brooks up to the sons of South Carolina as one who "has been the subject of vilification, misrepresentation and persecution because he resented a libelous assault upon the representative of their mother." [1]

Sumner did not regain his health sufficiently to resume permanent labor in the Senate until after a long interval of time, during which he made several visits to Europe for medical treatment and necessary rest. Once or twice he assayed to take up his senatorial duties, but was compelled to abandon them. Finally, after submitting to most heroic treatment at the hands of Dr. Brown-Séquard at Paris, he returned home November 21, 1859, restored to a sufficient measure of health to enable him to resume his seat in the Senate, to which Massachusetts had re-elected him in 1857, notwithstanding his continuing disability. He held it uninterruptedly until his death, March 11, 1874. Both Senator Butler and Representative Brooks, whose names are irrevocably linked with that of Sumner, died early in the year 1857, while Keitt, who was associated with Brooks in the attack on the Massachusetts Senator, subsequently took up arms against the Union and perished in the conflict.

Charles Sumner was one of the ablest, boldest and most aggressive of the anti-slavery leaders. In public office, as well as in private life, his efforts, always based on his convictions of right and duty, were somewhat

[1] Henry Wilson, "Rise and Fall of the Slave Power," vol. II, p. 489-490.

marred by his overweening self-confidence and self-assertion. He was quite intolerant of opinions at variance with his own. I recall an evening which I spent at his apartments in Washington before he had purchased his house on the corner of Vermont Avenue and H Street, now a part of the Arlington Hotel. He then poured forth a stream of invective against the Lincoln administration, which had fallen under his displeasure for various acts that he denounced with great vigor. But he was a true patriot, and few men have given their lives with more devotion to the service of their country.

Beside the infamy of the Kansas-Nebraska Act, and the repeal of the Missouri Compromise, the Pierce administration is chargeable with repeated and persistent, although abortive, attempts, continued during several years, to secure the annexation of Cuba to the United States. Slavery existed in the island, and the Southern slave-holders looked with longing eyes upon a territory out of which two and perhaps three Slave states could be created, giving to the South advantages equal, if not superior, to those which had been gained by the acquisition of Texas. Even Governor Marcy, who had been Secretary of State from the accession of Pierce to the presidency, favored the project, and it was promoted with special zeal by Jefferson Davis, Pierce's Secretary of War.

Pierre Soulé, of Louisiana, a leading Southern Democrat and a typical fire-eater, as the extreme Southerners were often called, was appointed minister to Spain, with authority to negotiate for the purchase of Cuba. Soulé

was of humble origin, and had been forced to leave France on account of his political opinions.[1] Spain had no more intention then of parting with the "ever faithful Isle" than she had later of yielding to the demands of the United States in aid of her oppressed subjects; and Soulé soon found out that Cuba was not for sale. He made himself unpleasantly notorious by forcing the Marquis de Turgot, the French ambassador, into a duel with pistols, after the Marquis had previously fought a duel with swords with his son, Nelville Soulé. The wrong thus doubly avenged was an alleged insult to Madame Soulé at a ball given by the Marquis de Turgot in honor of the fête-day of the Empress Eugénie, whose mother, the Countess of Montijo, was paramount in her influence at the Spanish Court.

At this second duel, on which Soulé insisted, on the ground that the insult to his wife took place at the house of the Marquis de Turgot and admitted of no explanation, he demanded that the distance between the combatants should be ten paces. Turgot's second, Lord Howden, who was at that time the English ambassador to Spain, refused this demand and insisted that the distance should be increased to forty paces. Soulé declared that this would make the duel a farce, but it proved sufficiently serious to the Marquis de Turgot, for at the second shot Soulé's ball struck him in the leg above the knee, causing a lameness from which he never recovered. Unlike the first duel the second ended without any reconciliation.

[1] Rhodes, "History of the United States," vol. II, p. 13.

Notwithstanding these escapades, Soulé was allowed to remain at the Spanish Court and watched his opportunity, in the disturbed state of political affairs then existing in the Peninsula, for something which might aid in the acquisition of Cuba by fair means or foul. By a special piece of good luck, as it seemed to him, an occasion offered for bringing Spain to terms. The Cuban custom-house authorities had seized and detained at Havana the steamer *Black Warrior*, a merchant vessel plying between Mobile and New York, which, in her regular trips, touched at Havana but discharged no cargo there. She had pursued this course for thirty-six consecutive voyages, her cargo being always permitted to pass unmolested by the customs officers at Havana. Suddenly on Feburary 28, 1854, she was detained on a charge of violating the regulations of the port. The vessel and cargo were seized and confiscated. This was a serious wrong on the part of the customs authorities, and justified the United States Government in demanding reparation and indemnity for the owners of the vessel. Soulé was authorized by the State Department to make a formal demand on the Spanish Government for prompt action on their part to redress the outrage.

But Soulé saw in this incident a *casus belli*, and, going beyond his instructions, was as peremptory and unflinching in his communications with the court as he had been with the Marquis de Turgot. Soulé was especially disliked by the Minister of Foreign Affairs, Señor Calderon, with whom, while the latter was Minister from Spain to

the United States, Soulé had quarreled in Washington. Calderon probably suspected that Soulé was exceeding his instructions, for after a correspondence which resulted in Soulé's being foiled in his effort to embroil the United States in a war with Spain, he was forced to abandon his belligerent attitude; and the *Black Warrior* affair was satisfactorily settled without his aid by negotiations at Washington. A war with Spain meant the speedy and certain acquisition of Cuba; and Soulé, with the extreme Southerners, of whom he was the representative, had seized on the *Black Warrior* incident as affording a pretext for a war with Spain at a time when both France and England were engaged in the Crimean War, and unable to come to her assistance.

As no one in the North wanted Cuba, or a war with any European power, the administration, even with the help of the Soulé gasconadings, could not make out of the *Black Warrior* case a grievance that called for a hostile attitude against Spain.

Meanwhile, in the Southern States, under color of the *Black Warrior* affair, a filibustering expedition to aid in the conquest of Cuba was set on foot. This was assisted by rumors of an impending revolution in Cuba on the part of the Creole inhabitants for the purpose of throwing off the Spanish yoke.

General Quitman, who had been governor of Mississippi and was closely allied to Jefferson Davis, was the prime mover in the scheme, and expected to be the leader of the forces raised in the South and destined for Cuba.

He had been in Washington, made no secret of his plans, and had the sympathy of many Southern representatives and some members of the cabinet. The proposed expedition was, of course, a lawless one, directly in the teeth of the neutrality laws which made all such attacks upon a friendly power criminal offenses. Quitman's project could not long be kept in the dark. Northern sentiment was, of course, outspoken against it, and at last the Southern sympathizers with the movement were forced to yield. The President, perhaps reluctantly, performed the plain duty of issuing a proclamation denouncing the plans of the filibusters as contravening the neutrality laws and providing for their strict enforcement. So it came about that Quitman, insisting on leading his battalions against Cuba, was arrested and put under bonds to observe the neutrality laws; and the wresting of the "Pearl of the Antilles" from the Crown of Spain by the force of arms was ingloriously abandoned. Nevertheless the Pierce administration and the Southern slave-holders by no means relinquished their efforts to obtain the coveted prize.

Although the rumored outbreaks in Cuba had no existence, a real revolution had occurred in the capital, and new political conditions prevailed. Hoping to take advantage of this altered state of affairs, in August, 1854, our government appointed a commission consisting of Soulé, James Buchanan (then Minister to England) and John Y. Mason, of Virginia, to consider the acquisition of Cuba. The State Department had desired the conference to be informal and without publicity, but Soulé,

true to his braggadocio methods, soon made Europe and America aware of the mission with which his confreres and himself were charged. The three gentlemen met at Paris, but after a short stay there they adjourned to Ostend, and after three days' deliberations at that place went to Aix-la-Chapelle, where they formulated their views in a document that became famous as the "Ostend Manifesto."

This was a most amazing and unprincipled declaration of the right and duty of the United States to possess herself of Cuba by force, in case Spain should refuse to sell the island for a price far beyond its value, the amount of which was left blank in the original document but understood to have been agreed upon by its authors as one hundred and twenty million dollars. The refusal of this offer by Spain would leave Cuba a source of such continuous danger as to justify the United States, by every law human and divine, in wresting it from Spain. The manifesto goes on to say: "We should be recreant to our duty, be unworthy of our gallant forefathers, and commit base treason against our posterity, should we permit Cuba to be Africanized and become a second St. Domingo, with all its attendant horrors to the white race, and suffer the flames to extend to our neighboring shores, seriously to endanger or actually to consume the fair fabric of our Union. We fear that the course and current of events are rapidly tending toward such a catastrophe."

It seems almost incredible that three sane men, all versed in public affairs, and one of them soon to become

President of the United States, should have deliberately set down in black and white the wild and scandalous proposition contained in the "Ostend Manifesto." It was undoubtedly the work of Soulé, who is supposed to have coaxed and cajoled his colleagues into signing it. He forwarded the document to the State Department, accompanied with a letter urging the immediate seizure of Cuba at the present opportune moment when she could not hope for aid from England or France. But in his zeal he had overshot the mark. Secretary Marcy had not lost his senses, nor had he ever intended to run the risk of a war with Spain for the sake of Cuba, and he was evidently tired of the bombast of Soulé. The "Ostend Manifesto" was not endorsed by the administration. Marcy's acknowledgement of its receipt was a rebuff received by Soulé with an amazement and an indignation that were not diminished when the Spanish Minister of Foreign Affairs declared in the Cortes that for Spain to part with Cuba would be a stain on the national honor. This sentiment was greeted with popular enthusiasm and effectually closed the door to any negotiations for the sale of Cuba to the United States. Soulé resigned as Minister, and Spain held Cuba for more than forty years, and until the atrocities of her later sway over the island forced the United States into the war of 1898, which, on just grounds of humanity, put an end to Spanish rule on Cuban soil.

In May 1854, an object lesson of New England hatred of the Fugitive Slave Law of 1850 was given in Boston in connection with the capture, and the return to slavery,

of Anthony Burns, a runaway slave whose master had pursued him to Boston and there put him under arrest and carried him before a United States commissioner. This was in accordance with the provisions of the Constitution and Fugitive Slave Law. There was no question as to the identity of Burns, and on proof of the facts it was the duty of the commissioner to give up the slave to his master. Richard H. Dana, Jr., a leading Boston lawyer, son of the poet and the author of "Two Years Before the Mast," volunteered his professional aid; but Burns avowed his conviction that it was of no use to resist. His remonstrances, however, did not avail. The opportunity for an open revolt against the infamy of the Fugitive Slave Law was too tempting. It was not so much that Anthony Burns was about to be remitted to all the cruelties of slavery by the execution of that abhorrent law, as that the soil of Massachusetts had been made the hunting-ground of a slave-owner.

All Boston was aroused. A mass meeting was held in Faneuil Hall and inflammatory speeches were made by Wendell Phillips .and Theodore Parker. A mob surrounded the court house in which Burns was confined. One man was killed and another wounded in the mêlée which followed the attempt at rescue, and the excitement in and around Boston betokened a general popular uprising. The police of Boston, a special *posse comitatus* in aid of the marshal, the Massachusetts militia and other troops were called into requisition. President Pierce sent a message declaring that the law must be enforced, and

the unfortunate fugitive was marched from the court house, where he had been condemned to be returned to slavery, to the revenue cutter which was waiting at the wharf to receive him, in the presence of fifty thousand people and under a strong military escort.

This violent outburst of wrath in Massachusetts was an indication of the state of feeling in the North of which the South might well have taken note. If the object had been simply to rescue Burns, his master might have been tempted by a large sum to part with his slave, but it does not appear that any attempt was made to secure the freedom of Burns by purchase. The only money item that appears in the history of the incident is that of the cost to the government of his rendition. This is variously computed from $40,000 to $100,000. The significance of the popular uprising was the detestation which the citizens of the North had come to feel against slavery itself as a moral evil, and a curse from which the country should be delivered. If these things were done in the green tree, what would be done in the dry? The time was not long distant when this question was to be answered in blood.

The Burns incident and the increasing outbursts of Southern defiance in Congress fastened the attention of the North on the aggression of the slave power with steadily increasing interest. "The Underground Railroad," as it was called, an organized method of aiding the escape of slaves and sending them from point to point through the Northern States to Canada, became more ac-

tive in its operations, and a powerful impetus to anti-slavery sentiment had been produced by the publication and sale of "Uncle Tom's Cabin," by Harriet Beecher Stowe, a sister of Henry Ward Beecher, the famous pastor of Plymouth Church in Brooklyn.

This remarkable work first appeared as a serial in the *National Era*, published at Washington. It attracted comparatively little attention until it was produced in book form. "Uncle Tom's Cabin" is one of the classics of the literature of the anti-slavery struggle. Longfellow published a little volume entitled "Poems on Slavery"; the Quaker poet Whittier blew occasional blasts from his silver trumpet, deploring the defection of recreant leaders and heralding the praises of the steadfast champions of freedom; and Doctor Channing, the celebrated Unitarian minister, was not wanting in vigorous onslaught against slavery. Great speeches by Seward, Chase and Sumner in the Senate or on the stump commemorate their forensic abilities and patriotism. But no sermon, song or speech of that eventful period wrought its way into the popular hearts or stirred the sympathies of liberty-loving people as did "Uncle Tom's Cabin." It told the story of the shame and wrong of slavery as it never had been told before, and poured a flood of light into the darkest corner of infamy. There never was a more remarkable instance of the power of fiction, aided by genius and inspired by a high moral purpose, to arouse the world for the destruction of a gigantic wrong.

CHAPTER XVIII

"NOTHING TO WEAR"—ITS GENESIS—PUBLICATION AND POPULARITY—A SCHOOLGIRL CLAIMANT—REVIEWS—LITERARY WORK FOR HARPER'S—LETTER FROM GEORGE WILLIAM CURTIS—REVIEW BY WILLIAM D. HOWELLS—THE POEM.

I FIND among my father's papers a draft of a letter, dated March 28, 1857, to Henry D. Gilpin, his warm personal friend and his successor in the office of Attorney-General in the Cabinet of Mr. Van Buren, in which he writes:

"I enclose a slip from *Harper's Weekly* containing a hit at the times which my son Will lately threw off, which may amuse Mrs. Gilpin." This "hit at the times" was "Nothing to Wear," a poem sufficiently well-known at the present time to require no special introduction to my grandchildren or to any other readers of this page. I confess that I have sometimes felt a pang, or at least a thrill, of mortification that, after many years of toil to attain a desired place in my profession, my chief, if not only, claim to public recognition has been the writing of a few pages of society verse. But a lawyer's repute is among the most evanescent of unstable things; and unless he has the good fortune to connect himself with something outside of his calling which attracts the popular gaze, his "name is writ in water." During the two

score and more years since the first appearance of the poem I have been asked, I do not know how many times, why I happened to write it and what gave me the idea and motive.

The genesis of "Nothing to Wear" was in this wise. Both in my father's family and that of my wife the male sex were in the minority. Of my father's children, two were sons and five were daughters, while Captain Marshall's included only one son and four daughters. It was natural, therefore, that in our reunions personal topics, near and dear to the feminine heart, should have been frequently prominent. Thus in the course of time the phrase "nothing to wear" in connection with proposed entertainments or social festivities became familiar to my ear; and the idea occurred to me that it might be used effectively as the text of a good-natured satire against the foible of the gentler sex of which it was so often the expression.

At first, the plan of treatment which I projected was to present a series of pen pictures of unfortunates, in various situations, under disabilities produced by the fancied inadequacy of their wardrobes, but I soon abandoned this idea and cast the poem in the mould in which it finally appeared in print. A little judicious observation, supplemented by information gathered in the home circle, gave me the names and descriptions of the fashionable articles of apparel needed in depicting the plight of "Flora M'Flimsey," while the catalogue of cases of destitution was modeled after the manner of the reports

of charitable institutions devoted to the relief of poverty. The idea of giving a moral turn to the subject did not occur to me until I had made considerable progress in my work on the poem, which occupied odd moments of leisure in a very busy winter. I was living with my wife and two children in Fourteenth Street, occupying the house of my father-in-law during his absence on a Southern tour, and I remember that it was while I was walking one evening in a neighboring street that the thought expressed in the closing lines of "Nothing to Wear" came to me, a sudden, and, I must believe, a genuine inspiration.

Having finished the poem, and after reading it to my wife, I took it one evening to my friend Evert A. Duyckinck, whom I found in his accustomed place in the basement of his house No. 20 Clinton Place, surrounded by the books which afterwards, under his will, went to the Lenox Library. I read him the poem, to which he listened with lively interest; but, much to my disappointment, he did not appreciate as keenly as I had hoped, what I believed and what afterwards proved to be, the elements of its popularity. While Duyckinck was the most genial of companions, and the most impartial of critics, he was too much of a recluse, buried in his books, almost solitary in his life, and entirely removed from the circle of worldly and fashionable life, to judge of my work as a possible palpable hit. However, he immediately possessed himself of it for publication in *Harper's Weekly*, then recently started, and I at once acquiesced,

making the single condition that they should publish it in columns wide enough to prevent breaking of the lines. No thought of securing the copyright or of retaining any control in reference to the publication of it occurred to me, and the check for fifty dollars which in due course I received from the Harpers, represented the entire pecuniary benefit that ever came to me from "Nothing to Wear."

The poem as it went to the Harpers contained 305 lines. When I received the proof sheets they were accompanied by a note stating that the addition of 24 lines would fill out the last page, and I wrote the required number, inserting them in the body of the poem, which appeared very handsomely printed in the number of *Harper's Weekly* for February 7, 1857. I very soon found that in venturing to shoot folly as it flies I had hit the mark. "Nothing to Wear" was taken up by the press, and, without objection on the part of the Harpers, was reprinted in newspapers all over the country. In England it was quite as popular as in this country. It was published in book form in London by Sampson, Low & Co., who, in their preface, say that it had achieved in America a popularity as great as that achieved in England by Hood's "Song of the Shirt." It appeared also in various English magazines and newspapers. Harriet Martineau, in an article on "Female Dress" in the *Westminster Review*, then, more than now, a foremost organ of English public opinion, quoted it entire, and it thus found a place in a leading English quarterly, a compli-

ment never before, I believe, accorded to an American author. Charles Sumner, who was in Europe at the time, sent me a copy of the French prose translation, which contained a curious note in reference to the "Mrs. Harris" spoken of in the opening lines as "famous in history." In utter ignorance, apparently, of Dickens's immortal creation, the translator stated that the reference was to a lady who had lost her life by an accident at Niagara Falls. A German translation in verse, with illustrations, appeared in the Almanach de Gotha.

On the basis of this widespread popularity I asked Fletcher Harper, who was my particular friend in the publishing firm, to bring out the poem in a volume, but he was unwilling to take the risk, saying that he had sold 80,000 copies of the *Weekly* which contained it and that there would be no demand for the book. So sincere was he in this belief that when the firm of Rudd & Carleton, composed of two young men who were just embarking in business as publishers, asked leave of the Harpers to publish "Nothing to Wear," their request was granted without any consultation with me. Rudd & Carleton published "Nothing to Wear" in a rather attractive form with illustrations by Augustus Hoppin, a well-known artist. They afterwards claimed, I believe, to have sold twenty thousand copies, and it was understood that the success of the book materially aided the building up of the business of the new firm. No benefit, however, accrued to me.

I made a mistake in publishing "Nothing to Wear"

without giving my name to the world as its author. It appeared anonymously, as was very generally the custom at that time in respect to articles in magazines and periodicals, except in the cases of writers whose names were exceptionally well known. I feared that if I were known to be a writer of verses, it might injure my standing as a lawyer. Members of my profession were permitted to make politics an adjunct of their practice at the bar, but dalliance with the Muse and dabbling in verses were apt to come under the ban of a commercial clientage. Public opinion has undergone a change in this regard in the later years of the century, and I think that I may not unjustly claim some share in so modifying it that a lawyer may now make excursions into the fields of literature without forfeiting the confidence of the public in his ability to deal with the weightier questions of the law. The penalty which I paid for this overcaution was that the authorship which I did not avow was open to adverse claims, and an absurd story was started that a girl of fifteen had reported to her family in their suburban home that she had written the first nine lines and thirty out of the concluding portion, and that the whole body of the poem (290 lines) had been interpolated by another hand; that while on a visit to New York she had dropped the manuscript, and shortly after discovered the missing lines as published in "Nothing to Wear."

The tale, substantially as told by the child's father, was as follows: "My daughter, about a year ago, in a ramble through the woods near the house where I reside,

accidentally tore the skirt of her dress. This incident caused her to exclaim, perhaps with some vexation, 'There, now I have nothing to wear!' and this exclamation was succeeded by the reflection, 'How many are in the habit of declaring that they have nothing to wear, who really have no just reason for the complaint, while, on the other hand, multitudes might make the same complaint with truth, as well as sorrow!'" He goes on to say that "three fragments, the first consisting of nine, the second of twenty-four, and the third of six lines were written by her on the same sheet of paper and subsequently brought by her on a visit to this city (New York). She had the manuscript in her hand on leaving the cars near Twenty-sixth Street, and passing through the crowd it was lost."

The claim thus put forth in behalf of this juvenile aspirant, compelled me to disclose my authorship, which I did by the publication of a card stating in the most explicit and unmistakable terms that every line and word in "Nothing to Wear" were original with me and branding the claim as utterly false. My neighbor, Horace Greeley, in a *Tribune* editorial, exposed the absurdity, telling me after its publication that he knew enough of the plagiarisms of school girls to account for it. *Harper's Weekly* also exposed it as a manifest fraud, pointing out that although the poem was published in February, the spurious claim was not put forth until July. Messrs. Rudd & Carleton lost no time in availing of the ripple of excitement caused by this incident as a means

of floating their edition of "Nothing to Wear" into increased popularity, and they rang the changes upon the pretensions put forward in behalf of the supposed girl author in sensational advertisements, and by thus fanning the flame gave to her a transient notoriety.

After all, my experience was not an uncommon one in the annals of literature. Ever since Bathyllus lived to filch the verses of Virgil, the anonymous author has been pursued by thieving marauders. A case closely resembling mine was that of Henry Mackenzie, author of "The Man of Feeling," a popular English novel published in 1771. He was a barrister devoted to his profession; and, actuated by the same dread of injuring his prospects as a lawyer that prevailed with me, he gave his book to the world anonymously. Shortly after its appearance, a Scotchman named Eccles copied the whole book with his own hand and with unblushing effrontery asserted that he was its author and produced the manuscripts in proof of his claim. Mackenzie was thereby compelled to come forward, avow his authorship and expose the imposter.

The power of the poem is, as I have always thought, in the moral it pointed, which, coming after the light treatment of the subject preceding the closing lines, was invested with something of the element of unexpectedness. This view was very generally expressed by critics and reviewers. I find a single exception, in a notice of the poem by a French reviewer, M. Étienne, who, while regarding it as a genuine example of American humor,

proceeds to make known his dissent from its moral tone as follows: "When I read these words I still admire; I recognize a noble and high-toned accent of satire; but the human has taken wings. I am brought back against my will to the memory of those old Puritans who founded the American nation. The idea of damnation dissipates all my gayety, and I look to see if I have really before me a humorist or a son of Calvin."

The Harpers, finding that the publishing of "Nothing to Wear" by Rudd & Carleton had not exhausted the public interest in it, reprinted it in the November number of their magazine with illustrations by Hoppin, and also shortly afterwards published it in a handsomely printed book, edited by Evert A. Duyckinck and entitled "English and American Poets." They were very anxious for me to connect myself permanently with their house as one of its literary staff, and I was induced, for a short time during the temporary withdrawal of Francis Tomes, to write for *Harper's Weekly* the column headed "Chat." In the summer of 1857 I was confronted with a much more formidable project of their devising. My friend George William Curtis, who had written "The Easy Chair" for *Harper's Monthly* with great acceptance to the publishers and the public, was drawn away from the Harpers to take the editorship of *Putnam's Monthly*. Fletcher Harper immediately proposed that I should occupy the vacant chair, and would not take "No" for an answer. The permanent connection with the Harpers that would have followed a compliance with their invitation was out of

the question. It occurred to me, however, that in all probability *Putnam's Magazine* would prove a financial failure, and in that event Curtis would not only lose his place as editor, but would be unable to resume "The Easy Chair" if it were filled by a literary man dependent, to a greater or less degree, on its retention. It would, therefore, be an act of friendship to him if I should keep the chair warm for his benefit pending the result of the enterprise in which he had embarked. Accordingly I told Fletcher Harper that I would assume the editorship of "The Easy Chair" temporarily, with the intent of vacating it in Curtis's behalf should the forebodings of my prophetic soul touching his new relations be verified. He hesitated to commit himself to reinstating an editor who, as he thought, had forfeited his right of return, but I insisted and the publishers yielded. For several months I acted as the *locum tenens* in the editorship of "The Easy Chair." As I had anticipated, the publication of *Putnam's Magazine* was suspended, and Curtis was delighted to find that I was not only willing to retire in his favor, but that my motive in assuming his post was, in fact, for his own benefit.

It is, perhaps, the pleasantest recollection of that part of my life which threw me into relations with publishers and authors that I was able to reunite the Harpers to the most gifted and accomplished writer that ever wielded his pen in their service. Their close relations with Mr. Curtis, thus resumed, continued till his death in 1892.

Here is the note in which, with characteristic grace of feeling and expression, he acknowledged the service I had rendered:

New York, 12 *Oct.*, 1857.

My Dear Sir:

Mr. Fletcher Harper showed me long ago a courteous and considerate note you had written him offering to relinquish the Easy Chair to the battered hulk that had preceded you in it, and that, dismantled in the storm, was glad to slide back into so soft a haven. Ever since then I have been meditating a note that I was to write you and the meditation has kept the memory so fresh and pleasant that I have been in no hurry to write the note.

Yet you see here it is. It merely makes a bow and thanks you; and, for my own part, I feel very sure the meditation will not end now that the note is written.

Faithfully yours,

George William Curtis.

[In a notice of my father's collected poems, as published by the Harpers in 1899, Mr. William D. Howells gives a retrospective review of "Nothing to Wear" and presents its claims to a permanent place in literature, together with some personal reminiscences as to its early popularity. It is appended here as a wholly impartial estimate of the value of the work by that most competent man of letters.—Ed.]

"In the year 1857 prairie fires were still punctual with the falling year on the plains which farms and cities now hold against them; and when one said that this thing or that was sweeping the country like a prairie fire, everyone else knew what one meant, and visualized the fact with quick intelligence. But if I say now that in 1857 a new poem, flashing from a novel impulse in our literature, and gay with lights and tints unknown before, swept the country like a prairie fire, how many, I wonder, will conceive of the astonishing success of 'Nothing to

Wear.' A misgiving akin to this doubt has haunted me throughout the volume in which Mr. William Allen Butler has grouped all he chooses to give the public of his verse, and it remains with me still. Whether for good or for ill, the pieces are largely expressive of moods that are past, in terms which seem dimmer now because they were once so brilliantly actual. They have the quality of improvisation, and sometimes achieve their happiest effects with the facility which is the half-sister of slight; even if one did not know the fact one would easily imagine them the amusement of a mind more seriously employed with other things; and it scarcely needs Mr. Butler's frank acknowledgment to make us feel that but for the professional devotion of the able lawyer we might have counted in him the cleverest of our society poets.

"I do not know but we may do this in spite of the able lawyer, for when I come to think of it I can recall no poem of ours having so much the character of light, graceful, amiable satire, with that touch of heart in it which reclaims it from mere satire, as 'Nothing to Wear.' It is quite ours, and it was the first thing of the kind to be quite ours. For this reason, as any observer of life will understand, it was the more universally appreciable; and because it was so true to its own time, perhaps, it is destined to continue true to other times. In it the prairie fire crossed the Atlantic and relumed its flames in various countries of Europe, while it has remained to us a light of other days, in which the present time may easily recognize itself if it cares for self-study. All the civilizations are contemporaneous, and the fashionable life of 1857 which we find mirrored in 'Nothing to Wear' is at least no further from us than that which appeals to our sense of modernity in the Tangara figurines. But, after all, one must have lived in the year 1857, and been, say, in one's twenty-first year, to have felt the full significance of its message and shared the joyful surprise of its amazing success. If to the enviable conditions suggested one joined the advantage of being at that period a newspaperman in a growing city of the Middle West, one had almost

unequalled privileges as a spectator and participator of the notable event. Upon the whole, I am inclined to think that prairie fire suggests a feeble image of the swift spread of Mr. Butler's poem under the eye of such a witness; and I begin to prefer a train of gunpowder. I do not know where the piece first appeared, but I remember that with the simple predacity of these days we instantly lifted the whole of it out of a New York paper, hot from the mail, and transferred it to our own columns about midnight, as if it were some precious piece of telegraphic intelligence. I am not sure but that it was for us something in the nature of a *scoop* or *beat*. At any rate, no other paper in town had it so early; and I think it appeared on our editorial page, and certainly with subheads supplied by our own eager invention, and with the prefatory and concurrent comment which it so little needed.

"We had the proud satisfaction of seeing it copied in the evening press with unmistakable evidence, in the subheads, of having been shamelessly pilfered from our columns. We might have made out a very pretty case of plagiarism against our esteemed contemporaries, if the mail had not brought us from every quarter the proof of a taste in poetry as promptly predacious as our own. All the newspapers published 'Nothing to Wear,' more or less fully, and the common intelligence was enriched with a conception, and the common parlance with a phrase, destined to remain to at least the present period of aftertime. How far they will carry it over into the next century is still a question, but in the meantime a social situation continues embodied in the poem without the rivalry of any other.

"For the student of our literature 'Nothing to Wear' has the interest and value of satire in which our society life came to its full consciousness for the first time. To be sure there had been the studies of New York called 'The Potiphar Papers,' in which Curtis had painted the foolish and unlovely face of our fashionable life, but with always an eye on other methods and other models; and

'Nothing to Wear' came with the authority and the appeal of something quite indigenous in matter and manner. It came winged, and equipped to fly wide and to fly far, as only verse can, with a message for the grandchildren of 'Flora McFlimsey,' which it delivers to-day in perfectly intelligible terms.

"It does not indeed find her posterity in Madison Square. That quarter has long been delivered over to hotels and shops and offices, and the fashion that once abode there has fled to upper Fifth Avenue, to the discordant variety of handsome residences which overlook the Park. But there it finds her descendants quite one with her in spirit, and as little clothed to their lasting satisfaction. Still they shop in Paris, still they arrive in all the steamers with their spoil, still it shrinks and withers to nothing in their keeping. Probably there are no longer lovers so simple-hearted as to fancy any of them going to a function in a street costume, or in a dress which has already been worn three times, but, if there were, their fate would be as swift and dire. In such things the world does not change, and the plutocrats of imperial New York spell their qualities with the same characters as the plutocrats of imperial Rome.

"It is this fact which gives me reason to believe that Mr. Butler's good-humored satire will find itself as applicable to conditions at the end of the next century as at the end of this; and makes me wish that he had cast more of his thought in such lightly enduring form. In several other places of his volume an obsolete New York makes a pleasant apparition; for instance, a whole order of faded things revisits us in the rhyme of 'The Sexton and the Thermometer,' but the fable of the old parishioner of Grace Church, who finds himself warm enough because the sexton has heated the mercury in his glass, is no such eternal type as Miss Flora McFlimsey.

"Some hint of what this poet might have been but for his jealous mistress appears here and there in the more serious poems; and in one of these at least it breaks into a flame of noble humanity. In the verses called 'Rich-

mond,' which record a visit to the Virginia capital in the old incredible days of slavery, the poet tells how he passes suddenly from the presence of such heroic memories of liberty as Patrick Henry and Jefferson and Washington, and finds himself at a slave auction, among men, women and children—

"'All waiting, waiting to be sold.'

"The history of the whole moral condition is compressed in the lines that follow:

"'*Too long my thoughts were schooled to see*
Some pretext for such fatal thrall;
Now reason spurns each narrow plea,
One thrill of manhood cancels all,
One throb of pity sets ME free.'

"But one must have lived in those days fully to understand these words."

NOTHING TO WEAR

Miss Flora M'Flimsey, of Madison Square,
Has made three separate journeys to Paris,
And her father assures me, each time she was there,
That she and her friend Mrs. Harris
(Not the lady whose name is so famous in history,
But plain Mrs. H., without romance or mystery)
Spent six consecutive weeks, without stopping,
In one continuous round of shopping—
Shopping alone, and shopping together,
At all hours of the day, and in all sorts of weather,
For all manner of things that a woman can put
On the crown of her head, or the sole of her foot,
Or wrap round her shoulders, or fit round her waist,
Or that can be sewed on, or pinned on, or laced,

Or tied on with a string, or stitched on with a bow,
In front or behind, above or below;
For bonnets, mantillas, capes, collars, and shawls;
Dresses for breakfasts, and dinners, and balls;
Dresses to sit in, and stand in, and walk in;
Dresses to dance in, and flirt in, and talk in;
Dresses in which to do nothing at all;
Dresses for Winter, Spring, Summer, and Fall—
All of them different in color and shape,
Silk, muslin, and lace, velvet, satin, and crape,
Brocade and broadcloth, and other material,
Quite as expensive and much more ethereal;
In short, for all things that could ever be thought of,
Or milliner, *modiste*, or tradesman be bought of,
From ten-thousand-franc robes to twenty-sous frills;
In all quarters of Paris, and to every store,
While M'Flimsey in vain stormed, scolded, and swore,
They footed the streets, and he footed the bills!

The last trip, their goods shipped by the steamer *Arägo*,
Formed, M'Flimsey declares, the bulk of her cargo,
Not to mention a quantity kept from the rest,
Sufficient to fill the largest-sized chest,
Which did not appear on the ship's manifest,
But for which the ladies themselves manifested
Such particular interest, that they invested
Their own proper persons in layers and rows
Of muslins, embroideries, worked under-clothes,
Gloves, handkerchiefs, scarfs, and such trifles as those;
Then, wrapped in great shawls, like Circassian beauties,
Gave *good-bye* to the ship, and *go by* to the duties.
Her relations at home all marvelled, no doubt,
Miss Flora had grown so enormously stout
For an actual belle and a possible bride;
But the miracle ceased when she turned inside out,
And the truth came to light, and the dry-goods beside,

Which, in spite of Collector and Custom-House sentry,
Had entered the port without any entry.

And yet, though scarce three months have passed since the day
This merchandise went, on twelve carts, up Broadway,
This same Miss M'Flimsey, of Madison Square,
The last time we met was in utter despair,
Because she had nothing whatever to wear!

NOTHING TO WEAR! Now, as this is a true ditty,
I do not assert—this, you know, is between us—
That she's in a state of absolute nudity,
Like Powers' Greek Slave or the Medici Venus;
But I do mean to say, I have heard her declare,
When at the same moment she had on a dress
Which cost five hundred dollars, and not a cent less,
And jewelry worth ten times more, I should guess,
That she had not a thing in the wide world to wear!

I should mention just here, that out of Miss Flora's
Two hundred and fifty or sixty adorers,
I had just been selected as he who should throw all
The rest in the shade, by the gracious bestowal
On myself, after twenty or thirty rejections,
Of those fossil remains which she called her "affections,"
And that rather decayed, but well-known work of art,
Which Miss Flora persisted in styling her "heart."
So we were engaged. Our troth had been plighted,
Not by moonbeam or starbeam, by fountain or grove,
But in a front parlor, most brilliantly lighted,
Beneath the gas-fixtures, we whispered our love.
Without any romance, or raptures, or sighs,
Without any tears in Miss Flora's blue eyes,
Or blushes, or transports, or such silly actions,
It was one of the quietest business transactions,
With a very small sprinkling of sentiment, if any,

And a very large diamond imported by Tiffany.
On her virginal lips while I printed a kiss,
She exclaimed, as a sort of parenthesis,
And by way of putting me quite at my ease,
"You know I'm to polka as much as I please,
And flirt when I like—now, stop, don't you speak—
And you must not come here more than twice in the week,
Or talk to me either at party or ball,
But always be ready to come when I call;
So don't prose to me about duty and stuff,
If we don't break this off, there will be time enough
For that sort of thing; but the bargain must be
That, as long as I choose, I am perfectly free—
For this is a kind of engagement, you see,
Which is binding on you, but not binding on me."
Well, having thus wooed Miss M'Flimsey and gained her
With the silks, crinolines, and hoops that contained her,
I had, as I thought, a contingent remainder
At least in the property, and the best right
To appear as its escort by day and by night;
And it being the week of the STUCKUP'S grand ball—
  Their cards had been out a fortnight or so,
  And set all the Avenue on the tiptoe—
I considered it only my duty to call,
  And see if Miss Flora intended to go.
I found her—as ladies are apt to be found,
When the time intervening between the first sound
Of the bell and the visitor's entry is shorter
Than usual—I found; I won't say—I caught her,
Intent on the pier-glass, undoubtedly meaning
To see if perhaps it didn't need cleaning.
She turned as I entered—"Why, Harry, you sinner,
I thought that you went to the Flashers' to dinner!"
"So I did," I replied, "but the dinner is swallowed,
  And digested, I trust, for 'tis now nine and more,
So, being relieved from that duty, I followed

Inclination, which led me, you see, to your door;
And now will your ladyship so condescend
As just to inform me if you intend
Your beauty, and graces, and presence to lend
(All of which, when I own, I hope no one will borrow)
To the STUCKUP'S, whose party, you know, is tomorrow?"
The fair Flora looked up, with a pitiful air,
And answered quite promptly, "Why, Harry, *mon cher*,
I should like above all things to go with you there,
But really and truly—I've nothing to wear."
"Nothing to wear! go just as you are;
Wear the dress you have on, and you'll be by far,
I engage, the most bright and particular star
On the Stuckup horizon—" I stopped, for her eye,
Notwithstanding this delicate onset of flattery,
Opened on me at once a most terrible battery
Of scorn and amazement. She made no reply,
But gave a slight turn to the end of her nose—
That pure Grecian feature—as much as to say,
"How absurd that any sane man should suppose
That a lady would go to a ball in the clothes,
No matter how fine, that she wears every day!"
So I ventured again: "Wear your crimson brocade"—
(Second turn up of nose)—"That's too dark by a shade."
"Your blue silk"—"That's too heavy." "Your pink"—"That's too light."
"Wear tulle over satin"—"I can't endure white."
"Your rose-colored, then, the best of the batch"—
"I haven't a thread of point-lace to match."
"Your brown *moire antique*"—"Yes, and look like a Quaker."
"The pearl-colored"—"I would, but that plaguy dress-maker
Has had it a week." "Then that exquisite lilac,
In which you would melt the heart of a Shylock"—
(Here the nose took again the same elevation)—
"I wouldn't wear that for the whole of creation."
"Why not? It's my fancy, there's nothing could strike it

As more *comme il faut*"—"Yes, but, dear me, that lean
Sophronia Stuckup has got one just like it,
And I won't appear dressed like a chit of sixteen."
"Then that splendid purple, that sweet Mazarine;
That superb *point d'aiguille*, that imperial green,
That zephyr-like tarletan, that rich *grenadine*"—
"Not one of all which is fit to be seen,"
Said the lady, becoming excited and flushed.
"Then wear," I exclaimed, in a tone which quite crushed
Opposition, "that gorgeous *toilette* which you sported
In Paris last spring, at the grand presentation,
When you quite turned the head of the head of the nation,
And by all the grand court were so very much courted."
The end of the nose was portentiously tipped up,
And both the bright eyes shot forth indignation,
As she burst upon me with the fierce exclamation,
"I have worn it three times, at the least calculation,
And that and most of my dresses are ripped up!"
Here I *ripped out* something, perhaps rather rash,
Quite innocent, though; but, to use an expression
More striking than classic, it "settled my hash,"
And proved very soon the last act of our session.
"Fiddlesticks, is it, sir? I wonder the ceiling
Doesn't fall down and crush you—you men have no feeling;
You selfish, unnatural, illiberal creatures,
Who set yourselves up as patterns and preachers,
Your silly pretence—why, what a mere guess it is!
Pray, what do you know of a woman's necessities?
I have told you and shown you I've nothing to wear,
And it's perfectly plain you not only don't care,
But you do not believe me"—(here the nose went still higher)—
"I suppose, if you dared, you would call me a liar.
Our engagement is ended, sir—yes, on the spot;
You're a brute, and a monster, and—I don't know what."
I mildly suggested the words Hottentot,
Pick-pocket, and cannibal, Tartar, and thief,

As gentle expletives which might give relief;
But this only proved as a spark to the powder,
And the storm I had raised came faster and louder;
It blew and it rained, thundered, lightened, and hailed
Interjections, verbs, pronouns, till language quite failed
To express the abusive, and then its arrears
Were brought up all at once by a torrent of tears,
And my last faint, despairing attempt at an obs-
Ervation was lost in a tempest of sobs.

Well, I felt for the lady, and felt for my hat, too,
Improvised on the crown of the latter a tattoo,
In lieu of expressing the feelings which lay
Quite too deep for words, as Wordsworth would say;
Then, without going through the form of a bow,
Found myself in the entry—I hardly knew how,
On door-step and sidewalk, past lamp-post and square,
At home and up-stairs, in my own easy-chair;
  Poked my feet into slippers, my fire into blaze,
And said to myself, as I lit my cigar,
"Supposing a man had the wealth of the Czar
  Of the Russias to boot, for the rest of his days,
On the whole, do you think he would have much to spare,
If he married a woman with nothing to wear?"

Since that night, taking pains that it should not be bruited
Abroad in society, I've instituted
A course of inquiry, extensive and thorough,
On this vital subject, and find, to my horror,
That the fair Flora's case is by no means surprising,
  But that there exists the greatest distress
In our female community, solely arising
  From this unsupplied destitution of dress,
Whose unfortunate victims are filling the air
With the pitiful wail of "Nothing to wear."
Researches in some of the "Upper Ten" districts

Reveal the most painful and startling statistics,
Of which let me mention only a few:
In one single house, on the Fifth Avenue,
Three young ladies were found, all below twenty-two,
Who have been three whole weeks without anything new
In the way of flounced silks, and thus left in the lurch
Are unable to go to ball, concert, or church.
In another large mansion, near the same place,
Was found a deplorable, heart-rending case
Of entire destitution of Brussels point-lace.
In a neighboring block there was found, in three calls,
Total want, long continued, of camel's-hair shawls;
And a suffering family, whose case exhibits
The most pressing need of real ermine tippets;
One deserving young lady almost unable
To survive for the want of a new Russian sable;
Still another, whose tortures have been most terrific
Ever since the sad loss of the steamer *Pacific*,
In which were engulfed, not friend or relation
(For whose fate she perhaps might have found consolation,
Or borne it, at least, with serene resignation),
But the choicest assortment of French sleeves and collars
Ever sent out from Paris, worth thousands of dollars,
And all as to style most *recherché* and rare,
The want of which leaves her with nothing to wear,
And renders her life so drear and dyspeptic
That she's quite a recluse, and almost a sceptic,
For she touchingly says that this sort of grief
Cannot find in Religion the slightest relief,
And Philosophy has not a maxim to spare
For the victims of such overwhelming despair.
But the saddest, by far, of all these sad features
Is the cruelty practised upon the poor creatures
By husbands and fathers, real Bluebeards and Timons,
Who resist the most touching appeals made for diamonds
By their wives and their daughters, and leave them for days

Unsupplied with new jewelry, fans, or bouquets,
Even laugh at their miseries whenever they have a chance,
And deride their demands as useless extravagance.
One case of a bride was brought to my view,
Too sad for belief, but, alas! 'twas too true,
Whose husband refused, as savage as Charon,
To permit her to take more than ten trunks to Sharon.
The consequence was, that when she got there,
At the end of three weeks she had nothing to wear,
And when she proposed to finish the season
At Newport, the monster refused, out and out,
For his infamous conduct alleging no reason,
Except that the waters were good for his gout;
Such treatment as this was too shocking, of course,
And proceedings are now going on for divorce.

But why harrow the feelings by lifting the curtain
From these scenes of woe? Enough, it is certain,
Has here been disclosed to stir up the pity
Of every benevolent heart in the city,
And spur up Humanity into a canter
To rush and relieve these sad cases instanter.
Won't somebody, moved by this touching description,
Come forward to-morrow and head a subscription?
Won't some kind philanthropist, seeing that aid is
So needed at once by these indigent ladies,
Take charge of the matter? Or won't Peter Cooper
The corner-stone lay of some new splendid super-
Structure, like that which to-day links his name
In the Union unending of Honor and Fame,
And found a new charity just for the care
Of these unhappy women with nothing to wear,
Which, in view of the cash which would daily be claimed,
The *Laying-out* Hospital well might be named?
Won't Stewart, or some of our dry-goods importers,
Take a contract for clothing our wives and our daughters?

Or, to furnish the cash to supply these distresses,
And life's pathway strew with shawls, collars, and dresses,
For poor womankind, won't some venturesome lover
A new California somewhere discover?

O ladies, dear ladies, the next sunny day
Please trundle your hoops just out of Broadway,
From its whirl and its bustle, its fashion and pride,
And the temples of Trade which tower on each side,
To the alleys and lanes, where Misfortune and Guilt
Their children have gathered, their city have built;
Where Hunger and Vice, like twin beasts of prey,
Have hunted their victims to gloom and despair;
Raise the rich, dainty dress, and the fine broidered skirt,
Pick your delicate way through the dampness and dirt,
Grope through the dark dens, climb the rickety stair
To the garret, where wretches, the young and the old,
Half starved and half naked, lie crouched from the cold;
See those skeleton limbs, those frost-bitten feet,
All bleeding and bruised by the stones of the street;
Hear the sharp cry of childhood, the deep groans that swell
From the poor dying creature who writhes on the floor;
Hear the curses that sound like the echoes of Hell,
As you sicken and shudder and fly from the door;
Then home to your wardrobes, and say, if you dare—
Spoiled children of fashion—you've nothing to wear!
And O, if perchance there should be a sphere
Where all is made right which so puzzles us here,
Where the glare and the glitter and tinsel of Time
Fade and die in the light of that region sublime,
Where the soul, disenchanted of flesh and of sense,
Unscreened by its trappings and shows and pretence,
Must be clothed for the life and the service above,
With purity, truth, faith, meekness, and love,
O daughters of Earth! foolish virgins, beware!
Lest in that upper realm you have nothing to wear!

CHAPTER XIX

REPUBLICAN PARTY—PRESIDENTIAL CAMPAIGN OF 1856—PRESIDENT BUCHANAN—LECOMPTON CONVENTION—THE ENGLISH BILL—TRIP SOUTH WITH CAPTAIN MARSHALL—"AT RICHMOND"—"TWO MILLIONS."

UNDER the storm and stress of the conflicting voices and contending forces aroused by the struggle over Kansas, public opinion at the North was more and more concentrated upon the absorbing issue of the exclusion of slavery from free territory. There was a return by men of all parties who opposed interference with slavery in the States but favored its exclusion by Congress from all the Territories, where it had no legal existence, to the simple doctrine first announced by the Free Soil party in its Buffalo platform in 1848, "No more slave States and no more slave territory." To use a favorite illustration of the time, the friends of freedom would draw a belt of fire around the slave-holding States, hemming in the hated institution and setting a barrier to its incursions into free territory.

Out of this increasing sentiment the political leaders at the North, while opposing the Abolitionists, saw that the revival of anti-slavery agitation, partially checked by the Compromises of 1850, menaced the disintegration of both the Whig and Democratic parties. They united in

creating the Republican party, which came into existence in 1854, and held on June 17, 1856, at Philadelphia its first national convention. This convention nominated for president John C. Fremont, of California, and for vice-president William L. Dayton, of New Jersey.

Fremont was a candidate of the picturesque and romantic type. He had been an early explorer in the far West and on the Pacific coast, where his career had been one of adventure and peril. He had been active in all the steps, civil and military, by which California had been brought into the Union, and for a short time had been a United States Senator from that State. He had well earned the title of "Pathfinder," which was used with good effect in his campaign for the presidency, which was also aided by popular interest in his wife, a daughter of Thomas H. Benton, the famous senator from Missouri, who had shared the vicissitudes of her husband's frontier life and was associated in his hardships and successes. I met General Fremont at dinner in my father's house, No. 31 West Seventeenth Street, in the spring of 1856. He impressed me as an interesting and attractive man, but not made of quite the stuff which, at that period of our national history, seemed requisite for a presidential candidate. While his canvass aroused much enthusiasm and consolidated the activities of the members of the new party by patriotic fervor in bright contrast with the old-time conservatism of the Whigs and Democrats, the time was not ripe for Republican ascendency.

Before Fremont had been placed in the field by the Republican party the Democratic convention had nominated James Buchanan, of Pennsylvania, and John C. Breckinridge, of Kentucky, as candidates for the presidency and vice-presidency. Pierce, notwithstanding his subserviency to the slave power, failed of renomination, as did also Stephen A. Douglas, who was deemed to have been so aggressive in his advocacy of "Popular Sovereignty" as to endanger the success of the party in the Northern States. Buchanan had been out of the country, representing it at the Court of St. James in the plain every-day dress of an American gentleman, which the requirements of the State Department, as administered by Governor Marcy, had substituted for the varieties of court costume previously worn by American diplomats in European capitals. Buchanan's participation in the Ostend scandal was not regarded as an obstacle to his election, and his long public career and general respectability made him an available candidate.

The lines were squarely drawn between the contending parties. The Republicans stood on already defiant principles of opposition to any extension of slavery beyond the slave States, and on the paramount duty of Congress to legislate to that end, while the Democrats denounced interference by Congress to prevent the people of the South from entering the Territories with their slaves. The Democratic platform adopted "The Baltimore Resolves of 1852," and declared "with renewed energy of purpose, the well-considered declarations of

former conventions upon the sectional issue of domestic slavery," and "the principles contained in the organic laws establishing the Territories of Kansas and Nebraska." It claimed for the people of all the Territories the right to form a constitution with or without domestic slavery and upon terms of perfect equality with the other States. Thus were put forward the doctrines of Douglas, although he was denied the privilege of being the standard-bearer in the fight for their supremacy.

Democracy triumphed in 1856 as in 1852; but only after a bitter contest. Fremont and Dayton, while receiving a plurality of the popular vote and carrying New York, failed to carry Pennsylvania, Illinois and Indiana. Buchanan received 174 electoral votes; Fremont 114, and Millard Fillmore, the candidate of the so-called "American Party," received the 8 votes of Maryland. In New York, alternate hopes and fears had prevailed during the summer and fall; and it was a great disappointment when the result was announced amid the exultations of the Democracy. But in the retrospect, it is easy to see that the defeat of 1856 was a far surer presage of the victory to be gained in 1860, than would have been the success that was so earnestly coveted and sought for. A united North was needed to cope with the "Solid South"; and another four years of slavery aggression were needed to show the full extent of slavery's disloyalty to the Union.

Buchanan was the last of the pro-slavery presidents. In one of his latest messages, on the eve of his retire-

ment from office, he described himself in a somewhat pathetic phrase as "an old public functionary." And this in fact he was, a man of routine, careful of precedents, wedded to the doctrines which he had professed during his whole political life, and cherishing a horror of men given to change, within or without his party, and especially of those who sought to check the course of slavery and the slave power. His subserviency to the South was complete. With new zeal, but on a different footing from the policy of his predecessor, he took up the lingering and long-drawn-out contest against the people of Kansas in their struggle with border ruffianism.

When Congress met in December 1857, the country was surprised to find that Douglas, the author, exponent and champion of "Popular Sovereignty," was an avowed opponent of the President and the administration. Kansas had been enjoying a temporary period of quiet under the administration of Governor Geary, a man of ability and fairness, disposed to deal justly with the people and to secure their rights. But he was soon displaced; and the pro-slavery conspirators at Washington busied themselves in forging a new link in the chain by which they hoped to bind "Bleeding Kansas" still more firmly in captivity to their will.

The new device was carried out by calling a constitutional convention to meet at Lecompton in October, 1857. The delegates representing pro-slavery partisans, largely elected by fraudulent votes, adopted a constitution so framed as to require a submission to popular vote only in

such a way as to insure the continued existence and protection to slavery. The free settlers abstained from voting either for delegates to the convention or for the proposed constitution; and the result of their absence from the polls was that the Lecompton Constitution received the affirmative vote only of the pro-slavery settlers and their fraudulent abettors. Nevertheless it was accepted by President Buchanan; and he determined to represent to Congress that it expressed the will of the people of the Territory. This extraordinary course of action, at variance with the rights of the people of the territory, gave Douglas an opportunity for defiant and effective opposition. He saw clearly that if the administration policy prevailed, his leadership was lost; and by something like a *coup de théâtre* he hurled defiance against the Lecompton policy.

After the reading of the President's message, Douglas made the bold declaration, "I totally dissent from that portion of the Message which may fairly be construed as approving the proceedings of the Lecompton Convention." [1] This was an open declaration of war, on his part, against Buchanan and his extreme coadjutors. It excited wide-spread interest and no little admiration in the North because, though it was well-known that the action of Douglas was not inspired by any preference for freedom, as he had said in the Senate that he did not care whether slavery was "voted *down* or voted *up*," it made him the open opponent of the ultra pro-slavery portion

[1] William G. Sumner, "Andrew Jackson," p. 167.

of his own party. He had most adroitly, at the opening of Congress, turned the attention of the public from Buchanan, his successful rival for the presidency, and centered it on himself in his supreme effort to retain his prestige, and leadership. Later, in the spring of 1857, he came to the City of New York. I met him at a reception given by Mr. and Mrs. Bancroft. He had just married the foremost belle of Washington society, who, as our hostess said to me, had been a queen before she was a senator's wife.[1] She accompanied her husband on his Eastern tour, and was certainly a woman of remarkable beauty and intelligence. Douglas himself, while not prepossessing in appearance, being of diminutive stature with a disproportionately large head, was, of course, a most interesting and impressive figure; and, owing to his stand against the controlling element of his own party, was hailed with something of the applause accorded a hero.

The defection of Douglas and his fight against the Lecompton Constitution was the entering wedge which made sure the disruption of the Democratic party. The old classical saying, "Whom the gods wish to destroy they first make mad," was abundantly illustrated in the desperate course of Buchanan, Jefferson Davis and their Southern allies in the despotic policy by which they sought to establish the extreme doctrine for which Calhoun had

[1] Stephen A. Douglas was twice married. This reference is doubtless to his second wife, who was Miss Adèle Cutts, daughter of James Madison Cutts, a leader of Washington society.

contended, namely, that Congress had no power to exclude slavery from any part of the territory of the United States, the whole domain being under the constitution open to slave-holders, with the right to carry slavery into it as a permanent institution. The ensuing debate in Congress, punctuated by threats of disunion, secession and armed resistance on the part of the South, and by a flood of petitions, remonstrances and patriotic speeches in both Houses, marked the progress of the conflict over Kansas.

After repeated contests in the Territory and violent contentions in Congress, the genius of "Compromise" was, once more and for the last time, made to subserve a piece of legislation by Congress more insulting to the people in Kansas than anything previously attempted. This was a project brought forward to end the deadlock in a conference committee of tne two Houses of Congress in the spring of 1858. It was called "The English Bill," from William H. English, of Indiana, who proposed it. The project was to couple the submission of the Lecompton Constitution to the vote of the people of the Territory with an offer of a grant of public lands in aid of the State, in case of the adoption of the constitution; but should the constitution be rejected, the admission of Kansas, as a State, was to be postponed until the population should equal the ratio required for a representative.

The proffer of this bribe was expected by its promoters to secure the adoption of the obnoxious constitution

with its provision protecting and perpetuating slavery. Douglas voted against it, but it passed both Houses, was signed by the President and became a law. But in spite of all the adverse and malign influences at Washington, freedom, during the long contest protracted through a period of some five years, had been steadily gaining in Kansas; and when the vote came to be taken under the "English Bill" in August 1858, out of 13,088 votes cast, 11,300 were against the acceptance of the bribe and the Lecompton Constitution. As the historian Rhodes says, in closing the narrative of the Kansas-Nebraska conflict: "This disposed of the Lecompton Constitution, and effectively determined that slavery should not exist in Kansas. But the question left an irreconcilable breach in the Democratic party which was big with consequences for the Republicans and for the country." [1]

In the spring of this year I made a trip to Richmond in company with my father-in-law, Captain Marshall, and there had my last sight of slavery and the slave trade. My poem, "At Richmond," is a faithful narrative of my experiences in the city which was soon to become the Capital of the Southern Confederacy. From the hill overlooking the town, crowned by the then recently erected monument to Washington, Thomas Crawford's last and most important work, I came down into the old city and to a building which flaunted the red flag of an auction sale of slaves. The description of the crowd outside the door and within the building is true to the life

[1] Rhodes, "Hist. of the United States," vol. II, p. 301.

as it shocked my sight and sensibilities and the invocation in the closing verse gave expression to the thought inspired by this exhibition of the crime and cruelty of slavery.

This poem, published in *The Independent* on my return home, elicited the warm commendation of John G. Whittier, in a letter which showed that he was glad to welcome me as a co-worker with himself in the cause of human freedom.

AT RICHMOND

At Richmond, in the month of May,
I climbed the city's lofty crest;
Below, the level landscape lay,
And proudly streamed, from east to west,
The glories of the dawning day.

There stand the statues Crawford gave
His country, while with bleeding heart
She showered upon his open grave
The laurels of victorious Art,
And wept the life she could not save.

How grandly, on that granite base,
The youthful hero sits sublime;
The leader of the chosen race,
The noblest of the sons of Time,
With all his future in his face.

And he who framed the matchless plan
For freedom and his fatherland,
Type of the just, sagacious Man,
Like Aristides, calm and grand,
Within the Roman Vatican.

Nor less he wears the patriot wreath,
  The foremost of the three, who stands
As when with his prophetic breath,
  And flashing eyes, and out-stretched hands,
He cried for "Liberty or Death!"

Here surely it is good to be,
  Where Freedom's native soil I tread,
And, on the mount, transfigured see
  The Fathers, with whose fame we wed
The endless blessings of the free.

But when the summit's ample crown
  Flamed with the morning's fiercer heat,
I turned, and slowly passing down,
  With curious gaze, from street to street,
Went wandering through the busy town.

And lingered, where I chanced to hear
  The voices of a crowd, that hung,
With laugh and oath and empty jeer,
  Beside a door o'er which was swung
The red flag of the auctioneer.

In truth, it was a motley crew:
  The brutal trader, sly and keen;
The planter, with his sunburn hue;
  The idle townsman, and between,
With face unwashed, the foreign Jew.

Within, O God of grace! what sight
  Was this for eyes which scarce had turned
From yonder monumental height,
  For thoughts upon whose altars burned
The fires just kindled in its light!

So when the rapt disciples came
  From Tabor on that blessed morn,
What chilled so soon their hearts of flame?
  The fierce demoniac, wild and torn,
The cry of human guilt and shame.

For here were men, young men and old,
  Scarred with hot iron and the lash;
And women, crushed with griefs untold;
  And little children, cheap for cash—
All waiting, waiting—to be sold!

For me, each hourly good I crave
  Comes at the bidding of my will;
For them, the shadows of the grave
  Have gathered, or the woes that fill
The life-long bondage of the slave.

Too long my thoughts were schooled to see
  Some pretext for such fatal thrall;
Now reason spurns each narrow plea,
  One thrill of manhood cancels all,
One throb of pity sets me free.

Virginia! shall the great and just,
  Like sentries, guard the slaver's den?
O, rise, and from your borders thrust
  This thrice-accursed trade in men,
Or hurl your heroes to the dust!

On the evening of July 28, 1858, on invitation of the Phi Beta Kappa Society of Yale College, I delivered, in the Central Church of New Haven, before one of the most brilliant and cultivated audiences I have ever ad-

dressed, my poem of "Two Millions." Judge Joseph Story, of the United States Supreme Court, had accepted an invitation to deliver an address on the same evening, but some time before the date of the anniversary of the society he cancelled his engagement, and the committee in charge offered me the whole evening. I availed of this offer and my poem occupied the entire time devoted to the occasion. During its delivery I had a strange, and to me an amusing, experience. I suddenly lost the hearing of my own voice and, finding that I did not regain it, paused to inquire of a gentleman near me on the platform whether there was any perceptible change in it, and on being assured by him that there was not, I went on, without reference to my own inability to hear what I was reciting to the audience. The poem was well received, and as the Appletons had printed it in book-form and published it in New Haven and New York the day after its delivery, it immediately attained a large sale and was decidedly successful. I included "Two Millions" in the volume of my poems published by James R. Osgood & Co., in 1871, but omitted it from the edition of 1900 on account of its length, which would have swelled the volume unduly. The story which it told was that of a miserly millionaire who was found one morning apparently lifeless, with his will in his hands, rent in twain either by his violent act or by the convulsive spasms following the stroke which rendered him unconscious. This raised a question over which his next of kin engaged in a fierce conflict, which was suddenly terminated by

the unexpected restoration of the supposed decedent and his rescue, by his formerly neglected adopted daughter, from his selfish and sordid life. No one in particular sat for the portrait of "Firkin," the chief figure in the poem. *The Evening Post* of July 30, 1858, was quite correct in its conclusion on this subject, as stated in the following paragraph:

"Everyone is inquiring who old Firkin is, in Mr. Butler's poem of 'Two Millions,' and several have suggested the name of a deceased millionaire, whose will has been and still is the subject of a somewhat notorious and painful litigation. This conjecture rests, we presume, mainly, if not entirely, upon the catastrophe of the story, for Firkin is evidently a type, not an individual. Like Gradgrind, he embodies the weaknesses and the hardnesses of a class, all of which were never seen in any one person. It is idle, therefore, to endeavor to aim this satire at any person or family. It was prepared, we doubt not, with a wider and nobler purpose than could be answered by painting the portrait of any single individual."

[My father's exquisite tribute to woman at the close of the poem is quoted here.—Ed.]

. . . . . .

"Nor waits alone. Such have there ever been,
Since human grief has followed human sin,
The patient, perfect women! As they climb,
With bleeding feet, the flinty crags of time,
Not for the praise of man, or earth's renown,
They bear the cross and wear the martyr's crown.

Though queenly medal, stamped with royal heads,
Their humble toil to endless honor weds;
Though, like a bow of hope, their fame is bent,
From side to side of each broad continent;
And pictured volume, with its tinted page,
Bears their meek features to the coming age;
A higher joy their gentle spirits reap,
Where, all unknown, their silent watch they keep,
Far from the echo of the world's applause,
Through sultry noon, or midnight's dreary pause,
By sorrow's waking groan or fitful sleep,
Where helpless infants gasp their parting breath,
Cradled in suffering and baptized with death;
Or strong men, tossing, with delirious lips,
In fever-tempests and the mind's eclipse,
Plunge through the starless storm, like foundering ships;
Or old age, shrinking from the tyrant's clutch,
Feels, through the darkness, for their tender touch.
Watching and waiting, till the rising morn
Shall greet their saintly faces, pale and worn
With the long vigil, as they steal away,
Through darkened chambers, at the dawn of day,
Unloose the casement to the early air,
Hail its pure radiance with their purer prayer;
Drink in fresh courage with its quickening breath;
Then shut the sunlight from the bed of death,
But bear, serenely, to the sufferer's side
A brighter beauty than the morning-tide,
No eye beholding save their risen Lord's,
Who sees in secret but in sight rewards!
Their fairest earthly crown, the wreath that twines,
Not round loud platforms, or proud senate domes,
But those pure altars, those perpetual shrines,
Which grace and gladden all our Saxon Homes!"

CHAPTER XX

BENJAMIN F. BUTLER—HIS LAST LEGAL CASES—TRIP TO EUROPE—HIS ILLNESS—DEATH AND FUNERAL—RESOLUTIONS—WILLIAM CURTIS NOYES—EVERT A. DUYCKINCK—SAMUEL TILDEN—HIS WILL—ASTOR-LENOX-TILDEN FOUNDATION.

THE chief and saddest event of 1858 in our family circle was the death of my father. He died on the 8th of November, at the Hotel du Louvre, at Paris, aged 62 years, 10 months and 15 days. The death of my mother was a great blow from which my father never fully rallied. He withdrew from the general practice of his profession to devote himself almost exclusively to a group of cases constituting a most important, and, in some respects, unprecedented litigation. These were known as "The North American Trust and Banking Company" cases. That company, a New York corporation, borrowed $1,500,000 of Palmer, McKellop, Dent & Co., and of other English creditors, and issued its bonds and other securities for the debt. The company failed and went into the hands of a receiver, a very able and shrewd Wall Street financier, who, with the aid of an equally able and shrewd lawyer, formed a scheme in the interest of the stockholders of the bankrupt company to defeat the claims of the English creditors and destroy their debts.

All sorts of technical defenses were raised, such as usury, want of power in the corporation to make the bonds, and other informalities and violations of law. The effect of these defenses, if successful, would have been to free the assets of the company in the hands of the receiver from any liability to the English creditors and leave them for distribution among the stockholders, whose stock was worthless unless this repudiation could be accomplished. Mr. J. Horsley Palmer, was, at that time, a leading official of the Bank of England, which was interested in the claims. If I recollect right a Mr. Freshfield was solicitor for the bank of Palmer, McKellop, Dent & Co. Mr. Roundell Palmer, afterward Lord Selborne, was the principal counsel. A shrewd Scotchman named MacFarlan was sent to New York by the English creditors as a watch-dog over their interests, to which he was persistently devoted.

The plan of the conspirators to defeat the debt embraced the bringing of suits on comparatively small claims against the bankrupt company on obligations similar to those held by the English creditors, or nearly so, and getting decisions declaring them void. Another part of the plan was the retaining, as counsel, of judges as they retired from the bench, and the creating of a legal and judicial atmosphere fatal to the claims of the English creditors. My father had to bear the brunt of the fight, although Charles King, William Kent, Charles O'Conor, William Curtis Noyes, and others were associated with him. When the cases reached the Court of Appeals the

Court gave the entire term to the hearing of the arguments. This was justified on the ground that ordinarily in a term they heard about one hundred cases involving on an average $10,000 each. As these cases involved $1,500,000 and also very important questions, and as there was a wonderful array of talent on both sides, a month was not thought too much time for the hearing.[1] The English creditors succeeded at all points; the former decisions on which the receiver's counsel relied were held not to apply; and the attempt to repudiate the debts wholly failed. Since that time, now over forty years ago, we have become so accustomed to large figures and cases involving many millions that the North American Trust and Banking Company litigation seems almost insignificant in amount; but at that time it was of the utmost consequence and of vital importance to the English creditors.

In 1856 my father had made a short visit to England in company with my old friend and companion in travel, George L. Duyckinck, and had greatly enjoyed the hospitality extended to him by Lord Brougham, for whom he had a high admiration. My father kept up his interest in public affairs, and never abated his zeal in advocating the principles of the Free Soil party, of which he had been one of the most conspicuous founders. In common with all those who had united in its formation, but who had supported Pierce in 1852, in the mistaken confidence that the "Compromise Measures" of 1850 had healed the

[1] The report of these cases is in Volume XV, New York Reports, where it occupies nearly 300 pages.

wounds which slavery agitation had caused, he greatly deplored the defection of the President and his breach of plighted faith to the country. He joined heartily with liberty-loving men of all parties in denouncing the Kansas-Nebraska bill for the outrages which it promoted, joined the Republican party upon its formation, and advocated the election of Fremont and Dayton.

I think his last public appearance was at a meeting of citizens held in City Hall Park, May 13, 1854, to denounce the crime against Kansas. At this meeting he startled some of his old associates by declaring, as the most convincing proof of his hostility to the attempted introduction of slavery into free territory, that if he were called upon to choose between Douglas and Seward, as rival nominees for the presidency, he would cast his vote for Seward. Many of the Democrats who had been Free Soilers in 1848 had returned to the party fold in 1852 and voted for Buchanan, but my father cut loose from them and severed himself once for all from the party with which he had been so long identified and to which he had given such faithful service. He did not live to see the triumph of Republican principles or the catastrophe and results of the Rebellion. Perhaps, in the language of Holy Writ, he was mercifully "taken away from the evil to come."

One important case which engaged and for a time engrossed my father's professional energies, he undertook largely out of regard to the memory of my uncle William Howard Allen, and in behalf of one of my

uncle's companions in arms—Captain Uriah P. Levy. Levy was an able and gallant officer, but he was under the ban which race prejudice, then strongly prevalent in the navy, made an effective obstacle to an equality in social standing with his fellow-officers. Wherever he served he became the object of petty spite, malicious accusations and persistent ostracism. Complaints were made against him, he was court-martialed and tried, time after time, and almost invariably convicted, suspended from duty, and otherwise made to bear penalties meted out with a severe hand for comparatively trivial offenses. Finally he was dismissed from the navy.

Levy believing himself to be the victim of a great wrong, brought his case to my father and besought his aid. The cause was a desperate one, and the client was a man who had been unable to escape from complaints which, perhaps, although originating in prejudice, had made him generally unpopular. My father, after full investigation of the facts and the law, made up his mind that Levy had been unjustly dealt with, and was entitled to be reinstated in the navy and compensated for the illegal and cruel treatment he had received. Accordingly he advised an application for a court of inquiry, which he succeeded in obtaining, and, after a long trial in which Levy's whole career and the catalogue of the supposed crimes he had committed were made the subject of patient and thorough investigation, he was triumphantly vindicated. On the basis of the findings of the court, and after an exhaustive argument in his favor by my

father, an Act of Congress was passed restoring Captain Levy to his rank in the navy, with an award of back pay for all the years of his disgrace. This was one of the most notable achievements, as it was the last, of my father's professional career, and finely illustrated his generous impulses and his strong sense of justice.

In the summer of 1858 my father made his plans for an extended tour in Europe with my then two unmarried sisters, Eliza[1] and Lydia,[2] and sailed from New York October 16, on the steamer *Arago*, Captain Lyons. My last sight of him was as he stood in the stern of the vessel waving his adieus. The thought that I might never see him again in this world hardly occurred to me, as I supposed him to be going in quest of recreation and rest under the most favorable conditions. A letter dated at Rouen, November 1st, written in good spirits, was the last I ever received from him. Besides my sisters he had, in this last illness in a strange land, the companionship of two most faithful friends, Mr. and Mrs. Frederick Brown of Philadelphia, who were fellow-voyagers with him on the *Arago* and were alarmed at his condition before he reached Paris. He had been suffering for a long time from a fatal malady, the nature of which was not then understood by the medical faculty as it is now, when the name of "Bright's Disease" has unhappily become too familiar to us. My father's last hours were painless and serene. Although fully conscious that he was to die far away from home and in a foreign land, his soul was not

[1] Mrs. Thomas S. Kirkbride.

[2] Mrs. Alfred Booth.

disquieted within him, and he accepted the inevitable with composure and a cheerful Christian acquiesence.

The steamer *Arago*, on which my father sailed from home, brought back his mortal remains. Before she left, a meeting of Americans in Paris was held November 12, 1858, at the banking house of John Monroe & Co., to pay a tribute to his memory. John Y. Mason, of Virginia, then American minister to France, presided and ex-Governor Hamilton Fish, of New York, offered resolutions commemorative of my father's public services and private character and of affectionate sympathy with his family. A copy of these was sent to me by Mr. Mason, enclosed in a letter expressing his personal feelings.

Shortly after the arrival of the *Arago* the funeral services were held in the Mercer Street Church, December 2, 1858. A large audience gathered to pay the last tribute of respect to his memory. Addresses were made by Rev. Dr. Thomas Skinner, Rev. Dr. William B. Sprague, Rev. Dr. William Adams, and Rev. Dr. George W. Bethune. The day before the funeral a meeting of the bar of New York had been held in the United States District Court-room, which was very largely attended by members of the bench and bar as well as by many persons outside of the profession. Judge Samuel Nelson, of the Supreme Court of the United States, presided, and addresses were made by Samuel J. Tilden, William Kent, Marshall S. Bidwell, John W. Edmonds and Daniel Lord. The resolutions passed at this meeting, which I understand were drawn by Samuel J. Tilden, were not cast in the con-

ventional mould, too often in use on such occasions, but were especially noteworthy in bringing into prominence the trait of unselfish and generous treatment by my father of the younger members of the profession associated with him. The main resolutions were as follows:

"Resolved, that in the death of Benjamin F. Butler the legal profession and the public at large are called to mourn the loss of a Jurist, who was illustrious by his abilities and learning and by an active career, as Advocate and counsel of more than forty years duration, embracing eminent services as Attorney-General of the United States and in many other important civil trusts; and who in the results of his labors, jointly with John C. Spencer and John Duer, in the revision and codification of the Statutory Laws of the State of New York, has left an imperishable monument of his attainments as a lawyer and his capacities as a legislator.

"Resolved, that while we thus express our sense of the abilities and achievements, as a jurist, of our departed brother, a just appreciation of his character and services prompts us to a special commemoration of the scrupulous care with which he ever sought to guard and promote the dignity and usefulness of our profession, and to make it the means of purifying and strengthening the administration of Justice; his devotion to it as a liberal and scientific pursuit; his efforts to improve the legislation and jurisprudence of this State; the equity and affectionate courtesy which pervaded his intercourse with his brethren during the long period of his active practice at the Bar; the generous freedom with which he ever opened to an associate the use of his ample stores of learning and thought, which he had laboriously prepared, even though that associate was to precede him in the argument; his taste for liberal studies cultivated amid the severest pressure of business; and, above all, his Christian virtues,

whose charities, without losing their energy, embraced all religious denominations and all classes of men, whose graces adorned his daily life, and cast a beautiful lustre over its closing hours."

All the addresses made at Paris and New York are collected in the memorial printed for the family of my father by D. Appleton & Co. In my own copy of this memorial I have inserted some of the original letters and papers, and proceedings of various bodies, relating to his death.

The men I have referred to as associated with my father in the North American Trust Company cases were all eminent in the profession.

Mr. William Curtis Noyes was one of the ablest and most esteemed members of our Metropolitan Bar. He came from Oneida County to New York, thoroughly equipped for professional service of the highest grade and was soon in the front rank of the profession and always on the fighting line for the full enforcement of legal rights. This was his favorite method of action. A severe malady which attacked his eyes impaired his pursuit of professional studies and activities, but he resolutely persevered until restored eyesight came with splendid opportunities for the exercise of his rare ability. Mr. Noyes lived on the northeast corner of Fifth Avenue and Thirtieth Street. In the rear of his house he erected a building exclusively for his library, which occupied the whole interior of the structure above the basement. It was a

large and lofty room, two stories in height, the galleries on the upper part being reached by a central spiral staircase as well as from the second story of the main house. He was much sought after as an advising counsel in the most important litigations of the day and was capable of accomplishing an extraordinary amount of professional work. I can recall no lawyer who was more thoroughly serviceable to the profession and to the courts. He confined himself exclusively to his profession, was always alert and untiring in the interests of his client, and was universally esteemed for his high personal character. But like so many of our profession he went on responding to every call and undertaking, every new task, until his overtaxed energies gave way on a sudden, and he died when in his sixtieth year. His house passed into other hands, but his noble law library is preserved at Hamilton College, to which be bequeathed it by his will.

New York has long been rich in private libraries as well as in collections of works of art, but I have seen many of these brought under the auctioneer's hammer, their contents dispersed and no memorial left of the labor and care expended in their creation. In more recent years, I think there has been a growing disposition on the part of collectors to place their collections in public institutions devoted to literature or art. Among the valuable private libraries of the city was that of the brothers Duyckinck, Evert A. and George L. It was particularly rich in English drama. The house where they lived, No. 20 Clinton Place, was full of books from the basement up-

ward, and created the genial atmosphere in which they pursued their literary studies and labors and entertained their circle of friends.

Before my marriage, and while the Duyckincks were publishing and editing *The Literary World*, to which I was a constant contributor, I spent many a pleasant hour in their quiet and delightful home. In the memorial sketch of the elder Duyckinck which I read before the New York Historical Society, January 7, 1879, and in the brief memoir of the younger brother, prepared by me at the request of the New England Historical and Genealogical Society and published in the volume issued by it, I endeavored to do justice to the high character, love of letters and literary abilities of both these fraternal co-laborers. The younger brother, who never married, died March 30, 1863. Evert, the elder of the two, had the misfortune to lose his children, and at his death, August 13, 1878, was survived only by his wife. By his will he gave the library, of which he was at the time of his death the sole possessor, to the Lenox Library, and Mrs. Duyckinck, following out her husband's wishes, gave his entire estate to the same institution, subject to the payment of the income to certain beneficiaries during life. George H. Moore, who was the librarian of the Lenox Library and with myself one of the executors of Mrs. Duyckinck's will, is my authority for saying that this is the only instance in the annals of literature of a man of letters giving his whole fortune to a public literary institution. The estate, as it will finally come into the posses-

sion of the New York Public Library, Astor, Tilden, and Lenox Foundations, will represent, exclusive of the books already in their ownership, a value of over $150,000.

This reference to the New York Library leads me to mention the remarkable results already attained by the consolidation of the Astor and Lenox Foundations with that of Governor Tilden, who, by his will, made a munificent provision for a free public library in the City of New York. Although his intention was, to a large degree, frustrated by the decision of the Court of Appeals invalidating the bequest, a large part of it was secured by the trustees as the result of a compromise with one of the principal heirs, and this sum, amounting to about $2,000,000, together with his valuable collection of books, became the property of the Public Library.

It has often been asked why Samuel J. Tilden, who was himself an eminent lawyer, should have left a will which, as to its main purposes, was adjudged by the court of last resort to be invalid and void. This very natural query I am able to answer from the information given me by one of his closest friends, an executor named in the will. Governor Tilden, though learned and skilled in the law of contracts and corporations, had no special experience or practice in reference to the law of wills and the statutes and decisions of the Court of Appeals as to testamentary dispositions of property. He drew his will and submitted it to the scrutiny of the friend to whom I have referred, who, although a lawyer by profession, had been for many years retired from active practice, and who

advised him that in a matter of so great importance he ought to have the aid of the best legal talent he could procure. Whereupon Governor Tilden said that when Mr. O'Conor came to town from Nantucket, where he had taken up his permanent abode, he would ask his opinion. Mr. O'Conor came to New York, and the will was placed in his hands. He expressed a wish to examine the latest authorities bearing on the subject, but, without apparently having been able to do so, left the city and returned the will to Governor Tilden, advising that he consult a lawyer of the highest repute whom he named. This suggestion Governor Tilden accepted and the will went into the hands of the counsel designated by Mr. O'Conor. He, in turn, sent it back to its author with a statement that it required revision, and proposing a consultation with Governor Tilden for that purpose.

It was a habit of Governor Tilden, well known to his friends and to his professional and political associates, to put off matters on which he was not absolutely compelled to act with promptness. The conference called for by the counsel whom he had consulted was postponed until, as so often happens, death came, and it was impossible. The will as it had been drawn and executed was never altered so as to make it effectual as intended by the testator. Happily that which was saved out of Governor Tilden's estate perpetuates his name with those of Astor and Lenox as a public benefactor, and the remarkable unanimity with which both the legislature and the city authorities have provided the means of creating a great

public library is one of the most marked and memorable instances of public spirit and wise beneficence in our annals.

As one of the trustees of the Lenox Library and later of the New York Public Library, I have been greatly interested in the successive steps by which every obstacle has been cleared away, first in the task of consolidation and then in the procurement of State and municipal co-operation. Only those acquainted with the details of the work and with the care and skill of those concerned in promoting it and in securing the beneficial result which has been accomplished, can form any idea of the value of their patient and persevering efforts.

CHAPTER XXI

DRED SCOTT CASE—DOUGLAS AND LINCOLN RIVAL CANDIDATES FOR SENATOR—JOHN BROWN'S RAID—LINCOLN IN NEW YORK—COOPER UNION SPEECH—VISIT TO FIVE POINTS SCHOOL OF INDUSTRY—NOMINATIONS AT CHICAGO CONVENTION—GOVERNOR SEWARD—PRESIDENTIAL CAMPAIGN OF 1860.

IN the winter and spring of 1859, the administration of President Buchanan was dragging its slow length along, chiefly noteworthy by its abject submission to the dictates of the slave power in the continued contest over Kansas. The hands of the Southern oligarchy had been greatly strengthened by a decision of the Supreme Court of the United States in what has passed into history as the "Dred Scott Case."

Dred Scott, originally a slave, had been taken with his family by his master from the South into one of the free States of the West, and, taking advantage of the laws of that State, claimed that, having become free by its laws, he could not be returned in slavery to the State of Missouri where he was afterwards taken. He brought suit to establish the rights of himself and family as free citizens. He had one decision in his favor; but this was reversed on appeal, and his case was then carried by writ of error to the Supreme Court of the United States at Washington. The main question was whether Dred

Scott was in any sense a citizen, so as to have the right to come into court and maintain his cause. It would have been easy for the majority of the court to have dismissed his appeal for want of jurisdiction on the ground of his non-citizenship, but Chief Justice Taney, a Southern Democrat, holding extreme views in favor of slavery, in an evil hour for his own repute, thought it a favorable opportunity to construe the Constitution and give effect to its provisions in such manner as to uphold the most aggressive views of the slave-holders.

His opinion went minutely into the history of African slavery as it existed in this country and as it had been maintained by law. While he denied the rights claimed by Dred Scott in particular, in his denial he embraced every member of that unfortunate race, by his declaration that in the opinion "which prevailed in civilized and enlightened portions of the world at the time of the Declaration of Independence" and "for more than a century before," the members of this race "had no rights which the white man was bound to respect."[1] This last oft-quoted phrase is about all that remains in the minds of men of the "Dred Scott Case," but the whole of Justice Taney's opinion was hailed by the South as incontrovertibly upholding all that they claimed in respect to their right to take their slave property wherever they chose into the new Territories. Other judges of the court wrote opinions denying the right claimed by Dred Scott. Judge Benjamin R. Curtis, of Massachusetts, one of the ablest

[1] Dred Scott *v.* Sandford, 19 Howard 393, Taney, J., p. 407.

of their number, dissented *in toto* from the Chief Justice, in an able and masterly opinion which placed him in the front rank of jurists. Chief Justice Taney was one of the ablest of our judges and in his long career at the head of the Federal judiciary was conspicuous for learning and judicial ability; but he forfeited the confidence and respect of a very large portion of his countrymen by the utterance which I have quoted, and the kindred expressions which found place in his opinion. The decision was rendered on March 6, 1857, immediately after the inauguration of Buchanan, and from that time it was a sheet-anchor for the ship of state while under Buchanan's command, against all the efforts and assaults of his anti-slavery opponents.

In the summer of 1858 Douglas, whose pronounced opposition to the administration in its policy of forcing a pro-slavery constitution upon Kansas, put in jeopardy his re-election as United States senator from Illinois, took the stump in that State to advocate his own cause. Abraham Lincoln came forward as a rival candidate on the Republican platform; and the two aspirants entered into the most memorable debate in the annals of our political history. They went from place to place in Illinois, addressing the people and asserting the doctrine of their respective parties. It was on the eve of this series of debates that Lincoln, in a speech at Springfield accepting the nomination for senator, uttered, against the advice of his friends, the sentence which at once became famous: "A house divided against itself can not stand.

I believe this government can not endure half-slave and half-free." This caused a great outcry against Lincoln, and, throughout the ensuing debate, was the keynote of the harangues of Douglas against what he persisted in branding as the unconstitutional and abolitionary doctrines of his opponent. But Lincoln bravely adhered to his text and laid before the people of the North a clear and statesman-like declaration of the principle that while slavery was a sectional and local institution, freedom was truly national and should control. Although Lincoln had been a representative in Congress from Illinois, he really first came into full view during the progress of his debates with Douglas. While he failed in his campaign and his rival was elected to the Senate, Lincoln took his place then as one of the foremost and strongest of the leaders of the Republican party.

About the same time Seward gave utterance to a declaration very similar to Lincoln's, when he said, in a speech at Rochester, that between freedom and slavery there was an "irrepressible conflict." This conflict was at fever heat in 1859. On the 17th of October of that year the country was startled by the news of John Brown's raid into Virginia. He captured the arsenal at Harper's Ferry, took possession of the bridge which crosses the Potomac, fortifying it with cannon, cut the telegraph wires, stopped the trains, killed several men and seized many prominent citizens, who were held as hostages. The invading force did not exceed twenty-two men, including Brown, his sons and son-in-law. It was soon

overpowered, the leader and his followers were captured, and Brown, after trial and conviction, was hanged on December 2, 1859.

From all the facts afterwards disclosed, it is clear that the final and desperate scheme of John Brown, the insane folly of which was only equaled by the dogged pertinacity with which he clung to his determination to execute it, had been the chief subject of his meditations and resolves for a score of years. He communicated his plans in part to a few friends in New York and New England, from whom he received sympathy and money to aid him in his efforts, whatever they might be, but who were without definite knowledge of his intention to make war against the State of Virginia and the Federal Government by an armed invasion, in support of which he expected slaves to rally at his call and assert their right to freedom. After maturing his plans he was obliged to abandon them for a time, owing to the treachery of one of his comrades, who gave information that prevented his obtaining a quantity of rifles with which to arm his band. But at last he overcame all obstacles and satisfied himself that the hour of vengeance and victory had come. It seems almost incredible that good men such as Gerrit Smith, Theodore Parker, and Samuel G. Howe should have been willing to give aid and comfort to Brown, knowing, as they did, that whatever his purposes were, his life was devoted to fighting the slave power, and securing freedom, by force only, and on his individual responsibility.

During the interval between the first plan of attack and his actual invasion of Virginia, Brown had done some bloody work in Kansas, and captured and carried off from their owner five slaves whom he brought safely to Canada—an action which his friend Doctor Howe had condemned. Brown was possessed by that kind of fanaticism which absorbs the entire faculties of its victim and creates in him the illusion that he is a chosen instrument to work out some particular plan of divine retribution. The prevailing sentiment of the country, North and South, was that of horror at this senseless and criminal enterprise. The calmness and courage of its leader in undergoing his trial and meeting his fate on the scaffold excited much natural sympathy and admiration; and that can hardly be called a perversion of hero-worship which, in spite of his crimes, had placed John Brown's name among the immortals as a martyr in the cause of freedom. When the stage of real war for the salvation of the Union was reached, it was soon found that John Brown's name was to be linked with the music of the regiments as they marched to the front; and probably there never was a refrain more universally on the lips of soldiers than that which perpetuates the memory of the stern and vengeful old Puritan of Ossawatomie:

> "John Brown's body lies a-mould'ring in the grave,
> But his soul goes marching on."

Abraham Lincoln came to New York in February, 1860, and on the 27th of that month delivered in Cooper

Union the famous speech which, perhaps more than anything else, contributed to his nomination for the presidency by the Republican party. His ungainly figure, his awkward manners, and his unpolished style of oratory, were no hindrance to the profound impression made by his clear historical review of the rise and progress of the slave power, and the cogent arguments by which he proved that slavery was sectional and freedom national.

My partner, Hiram Barney, who was his warm friend, took care of Mr. Lincoln while he was in New York, and on Sunday offered him the alternative of going in the afternoon to a service in a prominent up-town church or to the Five Points House of Industry, where the exercises of the children gathered in that institution were to be held under the direction of the Superintendent, Mr. Pease. Mr. Lincoln decided in favor of the House of Industry. He was introduced to the Superintendent by Mr. Barney, and was requested to say a few words to the children. He said he was unaccustomed to that kind of address, but consented to speak to the boys and girls, which he did, giving them a few words of sound advice. A stranger, then arose from the audience, and said to the children that he would tell them a story about a Western boy who, from the most humble circumstances, had, by his industry, honesty and perseverance, gained the esteem and confidence of every one in the community where he lived, and had risen to be one of its first and most honored citizens, and that many of them thought it likely he might become the next President of the United

States. He brought his little speech to a climax by telling them that the boy whose struggles and successes he had recounted was the man who had just addressed them.

Three months after Lincoln had been listened to in Cooper Union with mingled curiosity, surprise and admiration, the Republican convention assembled at Chicago. Although Lincoln had gained ground, not only in New York but also in New England and the West, it was, I think, the general opinion among Northern Republicans that Governor Seward would receive the nomination for the presidency. The latter had been for many years a bold, consistent and able leader in his own State and in the Senate of the United States against the steady aggression of the slave power, and it may be said that he deserved to lead the Republican party to what reasonably seemed, in view of the hopeless divisions both of the Democrats and Whigs, a certain victory. But strong opposition to Governor Seward existed in his own State and elsewhere. In his whole political career he had been largely under the influence and guidance of Thurlow Weed, a guiding spirit of the Whig party and its members, who, like Governor Seward, had, with much reluctance, enlisted in the Republican ranks. Weed was a man of great ability, an ardent friend of Seward, and devoted to his interests. While always refusing to take office of any kind, State or Federal, he exerted almost unlimited control over the legislature at Albany, where the advice and help of the "Old Man," as he was familiarly termed, was often sought

by the Whig merchants of New York to guard them against threatened legislative measures, and also by a class of men who, in the parlance of the present day, would be styled "promoters."

Among other schemes aided by Thurlow Weed was the procurement from the legislature of charters for street railroads. As counsel for property owners who resisted in the courts for several years the validity of the acts of the legislature by which the public streets in a great metropolis were given to the railroad companies without compensation, I could not in the course of the litigation but be made aware of the methods by which franchises of such great value were procured. The identification of Thurlow Weed with these street railroad companies and the easy-going acquiescence of Governor Seward with other schemes for making public property subserve the interests of private parties, gave ground for serious criticism and apprehension, in view of Seward's candidacy for the presidential nomination. These criticisms were made, though doubtless the facts on which they were based were misrepresented and exaggerated. I, for my own part, would not impute to either Governor Seward or Mr. Weed anything more than a too liberal application, in their dealings with matters affecting their political and personal allies, of that principle which the Whig party had maintained, of aiding internal and local improvements by legislative favor.

It is certain that Seward himself confidently expected that he would be the choice of the convention. He left

Washington shortly before it convened, telling Senator Wilson that he would not resume his seat in the Senate until after his nomination. After the balloting began at Chicago the result was communicated to him by telegraph at his home at Auburn, where he was surrounded by neighbors and friends who, like himself, expected his nomination as a foregone conclusion. A friend and fellow-townsman of Governor Seward, who lived near him, afterwards gave me an account of the evening in Auburn. The Seward mansion was illuminated and opened, and the villagers were ready to congratulate their most prominent citizen upon his nomination for the first place in the nation. Of the 233 votes required for the nomination, Seward, on the first ballot, received only 173½, lacking 59½ votes of the required number. Lincoln came next with 102, while Cameron, Chase and Bates had 50½, 49, and 48, respectively, the remaining votes being scattered. On the second ballot Seward's lead increased to 184½ against 181 for Lincoln, and on the third ballot all the opposition to Seward was concentrated in favor of Lincoln, who was, thereupon, unanimously nominated. Hannibal Hamlin, of Maine, was selected as the candidate for vice-president.

To Seward and his friends, who had expected his nomination on the first ballot, this was a crushing blow. One by one the neighbors, who had come to greet him as the choice of the convention, took leave of him in grief and silence. He alone preserved a calm and dignified manner, though he did not conceal his great disappointment. The

lights were extinguished, the people retired to their homes, and the general feeling was that they were under the shadow of a great calamity.

The nomination of Lincoln was, to a large extent, a surprise to the public and to the Republican party. A great deal of explanation was required to account for his overwhelming strength in the convention; but the result was soon accepted as the wisest which could have been reached. The political campaign of 1860 was marked chiefly by the enthusiasm with which, in all the Northern States, the Republicans and the papers whose sympathies were with them, rallied to the support of a cause and a leader for whom victory was well assured.

The Democratic party was rent in twain by the conflicting opinions of its leaders. Its convention at Charleston divided into two factions, each of which, after being separately organized, adjourned without nominating candidates for the presidency. Later on, the extreme pro-slavery division met at Baltimore and put in nomination John C. Breckinridge, of Kentucky, and Joseph Lane, of Oregon, while the Douglas Democrats, who met at the same place, named their old leader for the presidency. Herschel V. Johnson, of Georgia, was afterwards associated with him as the candidate for vice-president. A remnant of the old Whig party put in nomination John Bell, of Tennessee, and Edward Everett, of Massachusetts.

The Republican platform was, in substance, a declaration of the principles enunciated at Buffalo, in 1848, by the Free Soil convention. It maintained the inviolabil-

ity of the rights of the States, but denounced the Democratic doctrine that Congress was without power to prohibit slavery in the territories, and included a condemnation of the Douglas "Popular Sovereignty." Its framers showed great wisdom in omitting any reference to the Dred Scott decision or to the Fugitive Slave Law. A simple declaration condemned John Brown's raid as a crime. The people in the North saw in this exposition of Republican principles solid ground on which they could unite and stand in defence of the Union and free territory. Everything favored a Republican triumph. The stars in their courses fought against the evil genius of slavery extension. Lincoln and Hamlin received 180 electoral votes out of 303. Lincoln had nearly 500,000 votes more than Douglas, but not enough to give him a popular majority over all the other candidates.

CHAPTER XXII

PRESIDENT BUCHANAN DAZED—HIS CABINET—SECESSION OF SOUTH CAROLINA—FORT SUMTER—LINCOLN'S INAUGURATION—HIS CABINET—RELIEF OF SUMTER—OPENING OF THE WAR—HIRAM BARNEY—THE PROPOSED PROCLAMATION OF EMANCIPATION—ATTITUDE OF FOREIGN GOVERNMENTS—ENGLAND AND THE REBELLION—PRIVATEERS.

THE years from 1861 to 1865 cover the period of the deadly struggle for the integrity or the disruption of the Union which has been variously termed the "War of the Rebellion," "The War for the Union," "The Civil War" and "The War between the States." I do not intend to go into any details of the war, with its varying fortunes. I have traced, very inadequately, the progress of the slave power, in its continuous and untiring demands, in order to show that the inevitable consequence must have been either the breaking up of the Union of the States to secure the supremacy of slavery in the South, or the maintenance of the Union by force of arms.

The election of a Republican President made secession, which had, up to that time, been only a threat, an actual reality. Caught between the upper and nether millstones of freedom and slavery, President Buchanan appears to have been completely dazed and baffled by the dangers and perplexities which confronted him, and his

officials acts and omissions indicated a hopeless inability to meet the exigencies of the time. He held to the integrity of the Union as binding on all its citizens, and denied the right of secession by any State. He held, however, with equal tenacity to the view that the Federal Government could not coerce a State to remain in the Union against its will, that while it was unlawful for a State to withdraw from the Union, it was unlawful for the Union to prevent the withdrawal of a State. Of his cabinet, Howell Cobb, Secretary of the Treasury, was from Georgia; John B. Floyd, Secretary of War, from Virginia; and Jacob Thompson, Secretary of the Interior, from Mississippi. Sympathizing with these Southerners was Isaac Toucey of Connecticut, Secretary of the Navy. Governor Cass, Secretary of State, shrank from facing the impending peril, and retired within a few days after the resignation of Cobb, who went to Georgia to aid the forces of secession and was followed by the other Southern members of the cabinet. Joseph Holt, of Kentucky, a border-State man, was true to the Union, while Jeremiah S. Black, the Attorney-General, was a thorough-going patriot as well as a learned jurist.

The cabinet, being thus "a house divided against itself," could not stand. For a time President Buchanan yielded to the sinister influences by which he was surrounded, not only in his cabinet but also in Congress. But when the places left vacant in the cabinet had been filled, necessarily by Northern men, such as John A. Dix, of New York, Edwin M. Stanton, of Ohio, and Horatio

King, of Maine, his hands were strengthened for more decisive action against the threatened disruption of the Union. Although of the type of the old-fashioned Jacksonian democracy, the courage of Jackson was not in Buchanan, and he could only deplore the evils which he was powerless to avert and which he had not the strength to oppose.

The immediate problems confronting the administration at the opening of the eventful year of 1861 related to the forts in the harbor of Charleston. South Carolina, always belligerent when her sovereignty was threatened, had hastened to take the lead in carrying into execution the threat of secession as the consequence of the election of a Republican President. On December 20, 1860, with great pomp and circumstance, the Ordinance of Secession was passed by which that State attempted to sever the tie which bound her to the Union. The people of South Carolina were almost a unit in declaring that the Federal Constitution was only a compact between sovereign States and that its violation by the North not only justified but compelled the withdrawal of their own commonwealth and its resumption of sovereignty. The three forts in the harbor of Charleston were thenceforth regarded by the State government of South Carolina as belonging to a foreign power, and all the military and civic talent and ingenuity of the Palmetto State were directed to getting rid of the United States troops in these forts and securing the possession of the forts by the State. Commissioners were sent to Washington, negotiations were

carried on by leading friends of the seceded State, General Scott was called into consultation, the cabinet consulted, but the President hesitated. Meanwhile Major Robert Anderson, every inch a soldier, in command of the small garrison in Fort Moultrie, repeatedly informed the Washington government of his need of reinforcements and provisions. While the long delay was making his retention of Fort Moultrie undesirable, he secretly, under cover of the darkness of the night, transferred his command to Fort Sumter, a superior stronghold, whose guns threatened the city of Charleston. This bold stroke enraged the people of Charleston, who charged it to be an act of bad faith, but Anderson became a military hero in the eyes of the North, and his prompt and patriotic action had no little effect in stirring up the spirit which was needed for the coming strife. Expeditions to relieve Fort Sumter were planned in Washington and New York, but held in abeyance pending varied and futile efforts in the old and tortuous paths of compromise. But compromise was no longer a word to conjure with, and there was no Clay or Webster to bring to its aid his magnetic power or national sympathy. One by one the Cotton States followed the lead of South Carolina and passed ordinances of secession. The feeling of disunion was supreme in the South, while in the North public opinion was tending toward a resolute resistance, even to blood, against any attempt to overthrow the authority of the United States. Thus the administration of Buchanan drifted out of power and that of Lincoln succeeded it

amid the clouds of darkness which enveloped the country.

After his election Mr. Lincoln had remained quietly at his home in Illinois, receiving visits from leading republicans and engaged in the task of forming his cabinet. He determined to offer the chief places to his most conspicuous rivals for the presidential nomination, Seward, Chase, Cameron and Bates. To the protest of a friend who said to Mr. Lincoln, "They will eat you up," he made the shrewd reply, "They will be just as likely to eat each other up," and so the event proved.

I had a humble share in this business of cabinet-making. We in New York were very anxious that Governor Chase should be the Secretary of the Treasury of the new administration. When the place was offered to him he hesitated to take it. He had made known to one of my most intimate friends that he was embarrassed by the fact that he had made investments in land in Cincinnati which had proved, for the time, unfortunate, and left him in a position where, without considerable pecuniary aid, he could not afford to make the sacrifice of giving up his professional business and entering the cabinet. I laid the matter before my father-in-law, Charles H. Marshall, then, as always, a true and loyal patriot, a friend of Lincoln and Chase, who expressed his willingness to advance, upon the responsibility of that friend and myself, the sum of $25,000, needed to relieve Governor Chase from any financial obstacle to his accepting the portfolio of the Treasury. The debt, thus created, was duly paid at maturity.

On his way to Washington Mr. Lincoln came to New York, where he was an object of great curiosity. Passing down Broadway in an open carriage with bared head, he was stared at without any special manifestation of enthusiasm. When I first laid eyes on him in the Astor House, where he was lodged, his face had already assumed that grave and care-worn expression which became more and more characteristic of him as the years went on. He was on his way to the seat of government, there, as its executive head, to take arms against a sea of troubles, not knowing whether, by opposing, he could end them.

The period intervening between the election of Lincoln and the 4th of March, 1861, was one of indescribable agitation. It seemed to show the unwisdom of the provisions of the Constitution which impose a delay of four months before an administration put in power by the popular vote can enter upon the discharge of its duties. It is, of course, idle to speculate as to what might have been, but it is certainly true that the chances of reaching a peaceable settlement of the national problems would have been much better could Lincoln have grasped the reins of government with the new year of 1861.

Lincoln, who had not added materially to his reputation by the short and often undignified speeches which he made on his way to Washington, and whose entrance into the national capital surreptitiously to avoid possible plots and conspiracies in Baltimore had excited some ridicule, now stood forth on the steps of the Capitol and delivered his inaugural address. This was the first of the

many declarations which have made his public utterances, from the moment he took the oath of office to the day of his martyrdom, unique and immortal. It is a striking and somewhat grotesque instance of the irony of fate that Douglas, Lincoln's greatest rival, but intending to be in the existing crisis his staunch supporter, courteously lent his aid to the new President by holding his hat while the inaugural address was being delivered. It was a trifling thing but very significant.

Lincoln and his somewhat disjointed cabinet of rival statesmen were confronted at once with the unsettled question of the relief of Sumter and Major Anderson. Negotiations were carried on by Seward with Judge Campbell, of the Supreme Court of the United States, a representative of the South Carolina sovereignty and a secessionist, who not long afterward resigned his seat on the bench. This only served to entangle still further the already complicated dealings between the government of the nation and the seceded State. The temporizing policy was, for a time, necessarily continued by the new administration because it seemed best not to force on South Carolina any measures which the bellicose commonwealth could construe into an act of war. But Lincoln had plainly pointed out in his inaugural that while the incoming administration and the Republican party would not interfere with slavery in the States, and would respect and enforce all existing laws relating to slavery, including the Fugitive Slave Law, he would execute all the laws of the United States and hold and possess the public property

which belonged to them. And he proceeded, cautiously, but firmly, to carry out this declaration, and with the aid of General Scott and the Navy Department fitted out an expedition for the relief of Sumter, to be accompanied by the *Brooklyn*, an armed vessel of the United States.

Meanwhile public opinion at the North reflected every shade of sentiment. The fire-eaters of the South had their counterpart in the blatant abolitionists of the North; and between these extremes there was in the North, far more than in the South, a hesitancy and recoil from the idea of civil war, with all its direful forebodings of disaster. The sentiment is well described by Oliver Wendell Holmes in a letter to the historian Motley, then in England. There was, he said, a great uncertainty of opinion—almost of principles. "From the impracticable abolitionist, as bent on total separation from the South as Carolina is on secession from the North, to the Hunker, or submissionist, or whatever you choose to call the wretch who would sacrifice everything and beg the South's pardon for offending it, you find all shades of opinion in our streets. If Mr. Seward or Mr. Adams moves in favor of compromise, the whole Republican party sways like a field of grain before the breath of either of them. If Mr. Lincoln says he shall execute the laws and collect the revenue though the heavens cave in, the backs of the Republicans stiffen again, and they take down the old revolutionary king's arms and begin to ask whether they can be altered to carry minie bullets. . . .

The expressions of popular opinion in Virginia and Tennessee have encouraged greatly those who hope for union on the basis of a compromise." [1]

While the general sentiment in the South seemed to be that the North would consent to peaceable secession by the Southern States rather than fight for the preservation of the Union, it was almost impossible for the North to accept the conclusion that the seceding States would throw down the gage of battle against the Federal Government. Amidst all the conflicting and agitating views and opinions given out from the press, pulpit, and the platform and in private talk, indoors and out, there suddenly broke in upon those confused voices the startling news that the Sumter expedition, although it had reached the Bay of Charleston, had, by a mishap, been obliged to return to New York; that this had left Anderson and his little company unrelieved, and at the point of starvation, and that General Beaureguard, in command of the Rebel forces at Charleston, had opened fire upon Sumter and was bombarding the fort, gallantly defended by its little garrison. The government of the so-called Confederate States, which had been formed at the convention held at Montgomery, Alabama, by the adoption of a Constitution, under which Jefferson Davis had been elected President, February 9, 1861, had given no order directly authorizing this act of war. But the deed had been done, and could not be recalled. Its effect upon the North was instantaneous and decisive. All the currents of loy-

[1] Rhodes, "Hist. of United States," vol. III, p. 311.

alty rushed together, breaking down all barriers, into a mighty torrent of patriotic devotion to the Union.

Just before the firing on Sumter, I dined at the house of an eminent lawyer in New York with a number of prominent men whose thoughts were all engaged on the momentous question of the day. I sat next to a leading lawyer, who deprecated very earnestly the idea of a war-like issue to settle differences which he thought ought to be the subject of compromise. Just after the first shot at Sumter I met him at the corner of Broadway and Wall Street, and greeting me with outstretched hand he said, "I am with you now." This chance expression of a changed sentiment wrought by the fateful shot was typical of what went on through all the Northern States, causing all the hearts of liberty-loving men to throb together with a newly awakened spirit of resistance against the fratricidal blow which had been aimed at the national life.

Following close on the bombardment of Sumter and the capitulation of its garrison, who, after having almost entirely exhausted their ammunition and consumed their provisions, marched out with colors flying and with the final salute to their flag, came the great Union meeting in New York held on April 20th, at 3 p.m., in and about Union Square. The house of Charles H. Marshall stood on the south side of the Square, and on a flagstaff set in the roof waved the flag which had floated over Fort Sumter and had been brought by Major Anderson to New York. The appearance of this symbol of the national

unity, rejected, insulted and assailed by men who had taken up arms against the authority for which it stood, excited a great enthusiasm among the vast crowds who made up that memorable meeting. The feeling that the government must be supported, the rebellion crushed and the Union upheld, was overwhelming; and for a moment it seemed as if the irresistible strength of the North would work a speedy end to treason and rebellion in the South. I remember that William H. Appleton, then the head of the great publishing house which his father Daniel Appleton founded, said to me as we stood in the concourse of men at the junction of Broadway and Fourteenth Street, "We shall crush out this rebellion as an elephant would trample on a mouse." Not very remote in time from this too sanguine expression of loyal optimism was the utterance of General William Tecumseh Sherman that the suppression of the rebellion would require 300,000 men. Under the prevailing enthusiasm of the North in its first outbursts of patriotic zeal there were those who did not hesitate to find in this sober and prophetic utterance of one of the military leaders, who was to have a large share in the victories of the Union cause, an indication of insanity and a source of ridicule.

My partner, Hiram Barney, was appointed by President Lincoln collector of the Port of New York. This was not on any solicitation on the part of Mr. Barney, but, as Mr. Lincoln told his cabinet, it was the one appointment which he had reserved for himself and upon which he was decided. This was a sore disappointment

to Mr. Seward, Thurlow Weed, and that wing of the Republican party which they specially represented and with which Mr. Barney was not in sympathy. They had selected for the post of collector and the dispenser of the vast patronage connected with the custom-house, Mr. Simeon Draper, an active politician, very popular with his fellow workers in the Republican organization, and prominent in the movements of the party. He was persistently put forward for the succession when Mr. Barney's retirement could be effected as the result of continued efforts to that end. The pressure became so great that finally, and before the close of President Lincoln's first term, Mr. Barney resigned in order to relieve his chief from the embarrassment which his longer retention of the place would occasion, and Draper, at last, in September, 1864, received the coveted appointment. Lincoln's personal friendship for Mr. Barney never failed, and in the early days of the administration he was often at Washington in close consultation with the President and Governor Chase; and from him I learned much about the anxieties and perils of the new administration. The idea of actual war and bloodshed overcame Lincoln with the horror of a great darkness. He told Mr. Barney that on the night before he was compelled to decisive action he could not sleep for the thought of what it meant.

Calls for men and money—more men and more money—now came apace, and were responded to with patriotic promptness. The curtain had risen on the great drama, the most memorable of the world's civil

wars, and its tragic scenes made up the daily staple of our lives for four long years. From the first surprising and humiliating defeat of the Union Army at Bull Run to the final surrender of Lee and the Confederate army at Appomattox, the whole story of the war has been told and retold a thousand times. Military men and civilians, generals of the army and privates in the ranks, newspaper correspondents, magazine writers, historians and "penny-a-liners" have joined hand and hand, pen and pen, in constructing the literature in which are enshrined the events of this period of fratricidal strife.

I shall not attempt to follow the course of the war or revive the feelings of depression which followed the defeats of our armies or the elation with which we hailed their victories, nor shall I chronicle the battles lost or won or take any account, except incidentally, of public affairs during the time of the war, as all were bound up in the one supreme life and death struggle for the preservation of the Union. It has been my aim to set forth, as plainly as I could, and in a true light, the steady growth and development of the causes which led to this gigantic struggle and to the final overthrow of the power that sought to work the ruin of the Union, and itself perished in the mad attempt. The war was, in reality, between slavery and freedom. Slavery took the sword and perished by the sword.

All the efforts of the North, at the beginning, to prosecute the war so as not to interfere with the ownership of the slaves by their masters were vain and futile. Grad-

ually it became as plain as the sun at noonday that a great moral question was involved in the bloody battles between the contending armies, and that the triumph of the Union armies could not be complete unless it brought with it the emancipation of the slaves. The inevitable outcome was so apparent to thinking and patriotic men in the North that they became impatient under what seemed the undue hesitancy of Lincoln to take the decisive step of striking the fetters from the slaves. Irritation at what seemed on his part a culpable neglect of a plain duty manifested itself in many forms, including open criticism, and private consultations of ardent Union men who favored immediate emancipation. To a friend of mine who was quite close to the administration, although not an officer-holder, Lincoln said, "Emancipation is my last card, and I will play it when I think best." His sense of the overwhelming responsibility laid upon him, and his sagacious insight, shaped all his acts in dealing with this momentous question. Without haste and without rest, he pursued what seemed to him the path of duty.

The Emancipation Proclamation was written long before it was promulgated. Referring to what I have already related as to the intimacy between President Lincoln and Mr. Barney, I believe it to be a fact that the latter was one of the first men, if not the first man, who listened to the reading of it by its author. Mr. Barney told me that while on a visit to Washington, Mr. Lincoln said to him in the White House that he had some-

thing to read to him, but he must do so where they would not be disturbed. He accordingly led the way to a private room, and, taking a manuscript from his pocket, read to Mr. Barney, substantially as it was finally issued, the immortal proclamation. The reading was not, however, without interruption. Shortly after he began to read, Mr. Seward appeared and reminded the President that he was under an engagement to attend the funeral of an officer of the army and that it was time to go. Mr. Lincoln expressed an unwillingness to be disturbed, and Mr. Seward retired; but soon afterwards he returned, reiterating his request and pleading the importance of the President's presence at the funeral; upon which Mr. Lincoln positively declined to go and the Secretary was obliged to leave him alone with Mr. Barney.

The years of the war were marked by periods of alternate hope and fear, depression and exultation. The news of reverses to the Union armies was often quickly followed by reassuring tidings of signal victories, but after the early disasters of the Army of the Potomac and its long period of inactivity under the command of McClellan it became evident to the North that the struggle would be a protracted one. The resources of the South, especially the determination of the people and the generalship of their military leaders, would require from the North the utmost ability, zeal and patriotism to uphold the tottering Union. The apprehension of intervention on the part of England by the recognition of the Southern Confederacy, the unfriendliness of the upper classes, and the

enmity of the cotton spinners, were fruitful sources of disquiet to our administration and leaders in public affairs, while the open sympathy of Napoleon III with the Confederate cause was a constant menace to the Washington cabinet. John Bright, the Duke of Argyle, Richard Cobden and others who represented the strong anti-slavery spirit of England and who saw that the triumph of the South and the disruption of the Union would mean a victory for the slave power and a fatal blow at freedom, fortunately gave their strong support to the North. This kept the British government from giving any direct aid or comfort to the Confederacy. The inexcusable negligence, however, which resulted in the fitting out of the *Florida* and *Alabama*, as privateers to prey on American commerce, and their escape at the very moment when, in due course of law, they ought to have been seized and condemned, was a sin of omission for which Great Britain afterwards paid the penalty of $15,500,000.

CHAPTER XXIII

HOME AT NO 13 EAST TWELFTH STREET—DOMESTIC EVENTS—SEVEN SUMMERS AT NEWBURGH—BATTLE OF BULL RUN—THE UNION ARMY—ITS HIGH CHARACTER—FRANKLIN BUTLER CROSBY—POEM ON HIS DEATH—"THE MERRIMAC" AND "THE MONITOR"—THE EMANCIPATION PROCLAMATION.

DURING the entire period of the war our home was at No. 13 East Twelfth Street. I had purchased the house early in 1857 and, after making some alterations and enlargements, moved into it from Captain Marshall's house, where we had been living since the sale of our Nineteenth Street house and where our children Howard Russell and Mary Marshall were born. A leading motive of the purchase of this house was to be near to that of my father-in-law, who found it very convenient to pay a morning visit for the purpose of seeing his grandchildren, in whom he greatly delighted. It was also very easy for us to visit him, day and night, and as long as he lived we remained in Twelfth Street, but no longer. It was here that three of our children were born, Charles Henry, Harriet Allen and George Prentiss. We lived in the house eight years and then I sold it in 1865 to a Mr. Hardenbergh, a brother-in-law of Samuel S. Cox. The latter was a member of Congress from Ohio, of national reputation, and known as "Sunset" Cox, from a brilliant description of a sunset published in a Columbus newspaper

of which he was the editor. As he was about to move from Ohio to New York, I surmised that he would live with Mr. Hardenbergh and become a candidate for Congress from the strong Democratic district, in which No. 13 East Twelfth Street was situated; and so it turned out. He ran for Congress and was easily elected and re-elected, serving until he was appointed Minister to Constantinople, where, I believe, he enjoyed a special friendship with the Sultan. On his return to the United States he was again elected to Congress, and served till his death, September 10, 1889. The statue of Mr. Cox, in Astor Place east of the Mercantile Library, was erected by the letter-carriers of one hundred and forty cities of the United States, in recognition of his services in their behalf in Congress.

We spent seven consecutive summers, including those of the war period, at Newburgh-on-the-Hudson, on or near Seminary Hill, so called from the large stone building occupied as a theological school by a Scotch Presbyterian society. The school bears on a large tablet near the front door a Hebrew inscription, which my learned friend Professor Howard Crosby pronounced to be the motto of the Scotch Church: "Burning—but not consumed." During the summer it was converted into a boarding-house. In 1859, while casting about after the manner of city denizens for a place for the summer, I learned in some way of this Seminary, and made my way thither to prospect for quarters. Just north of the building stood a brick house of spacious dimensions and apparently

unoccupied. I walked over to it, and gaining the front porch, was surprised and almost entranced at the magnificent view of the Hudson and the Highlands which was spread out before us. While engaged in admiring it, a man made his appearance, who proved to be the owner of the house, Mr. John W. Embler, a well-known resident of Newburgh. He informed me that he had recently lost his wife, and, having no children, was quite alone in the world and in his house. He offered to rent it to me; and in a very short time we established the relation of landlord and tenant. My family spent two pleasant summers in the Embler house and another in a larger place a little higher up the hill and our remaining Newburgh summers in the Seminary building, the main part of which we occupied with the families of my brother Benjamin and my sister, Mrs. John P. Crosby. Our friend and pastor, the Reverend George L. Prentiss, D.D., with his family, was there in 1865.

The last four of these Newburgh summers were made memorable by the varying fortunes of the war, which with us, as with the whole people of the country, was the one absorbing subject of thought and interest. The news of the battle of Bull Run, fought on Sunday, July 21, 1861, came as I was taking the train at Fishkill for New York. The report was that the Union forces under General McDowell had won a victory, but this, on reaching the city, was found to be false tidings, and was converted into a record of the defeat and flight of our demoralized army. Gloom and consternation followed this

first reverse of the Union arms. Like all defeats it has been explained and re-explained, but it stood out at the time as a startling revelation of what the war meant, and was to continue to mean, to both the contending parties. This rude shock to the over-sanguine leaders in the North and to the great mass of its citizens came, for the moment, with crushing force. But it proved a salutary lesson, and overweening confidence was replaced by stern resolution and vigorous preparation for a long and bloody strife.

Many things have been forgiven the South since its surrender and its reinstatement in the Union, but it is hard to find excuse or palliation for the falsehoods which filled the Southern press as to the make-up of the Union army when the men of the North responded to Lincoln's repeated call for troops. The volunteers who came to the front to face the forces of rebellion were described in the Southern organs as "discharged operatives, street loafers, penniless adventurers," "men without honor, honesty or morality, impelled to fight without a single worthy or respectable motive." The truth was just the reverse of this. Probably no army ever took the field superior in manly and moral qualities to those who followed the stars and stripes on the battlefields of the war. I may use the characterization of the historian Rhodes, who says: "What Everett said of the volunteers of Massachusetts may be said of the whole Northern army: 'They have hurried from the lawyer's office, from the counting-house, from the artist's studio, in instances not a few from the pulpit; they have left the fisher's line

upon the reel, the plough in the furrow, the plane on the work-bench, the hammer on the anvil, the form upon the printing-press—there is not a mechanical art nor a useful handicraft that has not its experts in these patriotic ranks.'" [1]

The experience of our family circle was similar to that of thousands all about us. My father's oldest grandson, his namesake Franklin Butler Crosby, a youth of twenty-one years, of a noble nature, fine traits and a devoted Christian, entered the army, gained the rank of lieutenant, was unsparing in his devotion to his duties in camp and field and commanded a battery at the battle of Chancellorsville, where he was killed May 3, 1863. The pregnant grief which came to our hearts when, in the bulletin in the papers of the day following the battle we read his name in the list of the killed, was only one instance of thousands of like experiences in the homes of the North. I tried to express the feelings which marked the loss of this heroic youth in the lines which commemorate his death. I reproduce them here that they may be kept as an enduring memorial.

He was our noblest, he was our bravest and best!
Tell me the post that the bravest ever have filled.
The front of the fight! It was his. For the rest—
Read the list of the killed.

On the crown of the ridge, where the sulphurous crest
Of the battle-wave broke, in its thunder and flame,
While his country's badge throbbed with each beat of his breast,
He faced death when it came.

[1] Rhodes, "Hist. of the United States," vol. III, p. 397.

His battery planted in front, the Brigadier cried,
"Who commands it?" as fiercely the foe charged that way;
Then how proudly our gallant lieutenant replied,
"I command it today!"

There he stood by his guns; stout heart, noble form;
Home and its cherished ones never, never so dear,
Round him the whirlwind of battle, through the wild storm,
Duty never so clear.

Duty, the life of his life, his sole guiding star,
The best joy of his being, the smile that she gave,
Her call the music by which he marched to the war,
Marched to a soldier's grave.

Too well aimed, with its murderous, demon-like hiss,
To his heart the swift shot on its errand has flown—
Call it rather the burning, impetuous kiss
With which fame weds her own!

There he fell on the field, the flag waving above,
Faith blending with joy in his last parting breath,
To his Savior his soul, to his country the love
That was stronger than death.

Ah, how sadly, without him, we go on our way,
Speaking softer the name that has dropped from our prayers;
But as we tell the tale to our children today,
They shall tell it to theirs.

He is our hero, ever immortal and young,
With her martyrs his land clasps him now to her breast,
And with theirs his loved name shall be honored and sung,
Still our bravest and best!

Perhaps the gloomiest day in New York, during the progress of the war, was the Sunday following the receipt of the news of the fearful havoc by the ironclad

Merrimac in Hampton Roads. The construction of this novel engine of destruction had been going on at Norfolk contemporaneously with work on the ironclad *Monitor*, which was being built under the direction of Ericsson, who designed it and was preparing it for an attack upon the enemy in southern waters. The *Merrimac*, however, got the start in the race of equipping these ironclads, whose entrance into national warfare gave the death blow to wooden ships, and ushered in the era of iron and steel for all vessels of war. Gliding out of the harbor of Norfolk, the *Merrimac* entered Hampton Roads, March 8, 1862, and in a short time nearly all the Union ships of war on that harbor had been set on fire by the shells and their sides pierced by her long stem. The frigate *Cumberland* went down with colors flying, while the *Congress* surrendered. The news of this appalling disaster came like a thunderbolt out of a clear sky, and the consternation in New York knew no bounds. That Sunday night, with Captain Marshall and some other friends, we were seated in the library discussing what new disasters might come with the expected attack of the *Merrimac* upon the shipping in New York. It was easy to apprehend that she would slip past Sandy Hook and through the Narrows, destroying all vessels in her path, and levy a contribution upon the treasury of the banks and capitalists of New York, dictating terms which could not be resisted. While we were holding this gloomy converse, the shouts of newsboys, familiar enough in those days of excitement, broke on our ears. Hastening to pos-

sess ourselves of the "extra" we read, with mingled wonder and delight, that the *Monitor*, in spite of some mishaps, had made her maiden voyage to Hampton Roads, had met the *Merrimac* in a life and death struggle, and had beaten her off, defeated and disabled, into Norfolk. The *Merrimac* never reappeared, but some time later was blown up and destroyed.

The administration came by slow stages to the goal of emancipation. The fear of losing the border States was largely the cause of Lincoln's long hesitation to take the final step and play his last card. Congress had declared the war to be solely for the preservation of the Union. The war Democrats of the North were anxious to exhibit, both their loyalty to the Union and their adhesion to non-interference with slavery in the States. Generals in the field held their own individual opinions about slavery, and these opinions were soon made manifest by their acts. McClellan, a Democrat and anti-Abolitionist, returned slaves who straggled into his lines to their owners. Butler, of Massachusetts, a Democrat up to the time of the war, and a supporter of Jefferson Davis in the Charleston convention, but now thoroughgoing in military service as a Union general, took a most ingenious method of cutting the Gordian knot by the sword. The negroes who entered his lines he declared, under the rules of war, were, if regarded as property of their owners, contraband of war, and as such he held them, setting them to work in the entrenchments. There was a certain grim humor about this which was appreciated by

the North, and which at once gave the name of "Contraband" to all the negroes within Union lines. The act of the General was approved by the War Department. In Missouri, Fremont, who was in command of a military department, undertook, without orders, to proclaim emancipation, thereby greatly embarrassing Lincoln and evoking untimely plaudits from Abolitionists and anti-slavery centers, and counter-cries from Democrats in the North and in the border States. The result was his removal from command and the substitution of General Halleck in his place.

Lincoln made an earnest and sincere effort to deal with this momentous problem by proposing and carrying through Congress a scheme for giving freedom to the slaves of loyal owners upon compensation for their value, and tendered to the border States an opportunity to accept these generous terms. But all in vain; and, after exhausting all efforts on this basis, he finally on July 22, 1862, read to the cabinet the first Emancipation Proclamation. It was a time of discouragement and depression at Washington and throughout the North for the Union cause, and Seward counseled the President to withhold the proclamation until after a success in the field had been achieved by the army. The battle of Antietam was fought on September 17, in which McClellan, though not gaining a decided victory, had forced the retreat of Lee and his army into Virginia, thus driving them back from the soil of Maryland, which they had invaded with high hopes of defeating the Federal forces.

Taking advantage of this favorable turn in military affairs, the President issued the proclamation September 22, 1862. It was tentative in its terms, giving time for acceptance of its conditions. These conditions not being complied with, the final proclamation was issued January 1, 1863. By its terms, on that day the sun rose on a practically emancipated race.

The negro of the South may well say, as the chief captain Lysias said to Paul: "With a great sum obtained I this freedom." It was at an incredible cost of blood and treasure. I have been amazed, while refreshing my recollection of the war, at the appalling slaughter in its battles wherever fought. We knew of it at the time with all its ghastly details, but I had not retained more than a vague remembrance of their frightful figures.

CHAPTER XXIV

DEATH OF MARTIN VAN BUREN—FUNERAL AT KINDERHOOK—COLUMBIA COUNTY LAWYERS—BIOGRAPHICAL SKETCH OF MARTIN VAN BUREN—PRESIDENTIAL CAMPAIGN OF 1864—GENERAL McCLELLAN—SPEECH OF DR. TYNG—LINCOLN RE-ELECTED—SURRENDER OF LEE—ASSASSINATION OF LINCOLN—GRIEF OF A NATION—TOM TAYLOR'S POEM IN "PUNCH"—JOHN P. CROSBY—HIS DEATH—DEATH OF CAPTAIN MARSHALL—MEMORIAL—MOVE TO YONKERS—"ROUND OAK"—HOME POEMS: "TOM TWIST," "SOMEBODY"—BOOKS AND THE LIBRARY.

WHILE the armed conflict between the North and South was at its height, on July 24, 1862, Mr. Van Buren died at Lindenwald. In company with Samuel J. Tilden, I went from New York to Kinderhook to attend the funeral. We left the railroad at Hudson, hired a buggy and drove to the village, a distance of about nine miles, a lovely drive past the yellow fields just ready for the harvest, towards the heart of the fertile County of Columbia. How fertile it had been in great men, the greatest of whom had just been gathered by the reaper, Death![1] We skirted the wide lawns of Lindenwald,

[1] Peyton F. Miller, a son of Judge Theodore Miller of the Court of Appeals of New York, has written a book entitled "A Group of Great Lawyers of Columbia County, New York," in which he reviews the lives of the following, all of whom were either born or practiced law in that county.

Martin Van Buren, Samuel J. Tilden, Robert Livingston, Robert R. Livingston (Chancellor), Peter Van Schaack, Edward Livingston, Robert R. Livingston, Peter Silvester, John Bay, Ambrose Spencer, Jacob Rutsen Van Rensselaer, Elisha Williams, Daniel Cady, John P. Van Ness, William P. Van

across whose sunny sward the last shadow of the funeral procession had already passed. As we came to the journey's end, the roads were all alive with the crowd of country vehicles, pressing toward the same goal. The village was full, as if some weighty public interest was at stake or some gala day had called all the company together; only the flag over the green was at half-mast, the bell of the Dutch Reformed Church was tolling, and the people wore the serious air of mourners.

The church was more thronged, I presume, than it ever had been before, and there the funeral services were held. The village choir rendered Dr. Watts' old-time version of the Nineteenth Psalm, and the clergyman, with rare good sense, forebore to eulogize, rather teaching the grave lessons of patriotism and religious truth which the hour demanded. At the close, the vast concourse of people passed silently by the bier and took their last look on the face of the dead. It would have been hard to find a gathering of friends and neighbors more marked by the elements of sterling manhood and womanhood than this at Kinderhook. Rustic maidens, not a few, with faces half flushed with the excitement of a public occasion, half sobered with its sadness; wholesome, matronly women; hale men, who would have delighted the eyes of the recruiting sergeant, and veterans as old and even older than the departed. All seemed moved with a common

Ness, Cornelius P. Van Ness, William W. Van Ness, Thomas P. Grosvenor, Joseph D. Monell, James Vanderpoel, Aaron Vanderpoel, John C. Spencer, Ambrose L. Jordan, Theodore Miller, Benjamin F. Butler, John W. Edmonds, Henry Hogeboom, John Van Buren, Aaron J. Vanderpoel.—Ed.

and sincere grief. This was the best tribute that could be paid. They felt that they too had shared in the honors of their statesman. His fame had made all the neighborhood famous. He had been the link by which that quiet inland center had been bound so long to the great world beyond, and now it was broken. Our sorrow is never so sincere as when it is a part of ourselves that we have lost.

I have spoken so often of Mr. Van Buren in the earlier part of these reminiscences that nothing more need be said by me touching his character and his great services to his country. After his transient reappearance in the arena of politics in 1848, he had remained in private life, reverting to his old political associations, passing a considerable portion of his time in Europe, and ending his days amid the tranquil scenes of his country home.

As Mr. Tilden and I drove back to Hudson our thoughts and conversation naturally turned upon the terrible conflict raging with unceasing fury. He had little faith in the success of the administration in its efforts to suppress secession in the South by force of arms. A Democrat of the Jacksonian school and a believer in party organization as the main source of political power, he argued that Jackson's ability to nip in the bud the nullification revolution in South Carolina was due to the existence of a strong Union party in the South, ready to sustain him in his vigorous and patriotic policy. There was no Union party in the South to stand behind Lincoln and the North, and he was full of forebodings as to the

final issue. Like very many men of his way of thinking, he failed to reckon on the deep moral sentiment which party organization and party leadership are powerless to call forth and set in array when merely political issues or interests are at stake.

Reaching the city in the early evening we dined together at Delmonico's, then at Fourteenth Street, and later on I repaired to Captain Marshall's house, which, at that midsummer season, I had pretty much to myself, and began to write a biographical sketch of the ex-President as a final tribute to his memory. I had but little sleep that night, and early in the morning went to Mr. Tilden's rooms close by, on the east side of Union Square, to gather some dates and data necessary for the completion of my sketch. It was published in two numbers of *The Independent* and afterwards by the Appletons in a little book under the title of "Martin Van Buren: Lawyer, Statesman and Man." Until the publication of Edward M. Shepard's admirable biography in 1888 it was the only printed memorial of Mr. Van Buren. I was urged to undertake the work of a biographer, but was wholly unable to accept the task while in the active practice of my profession. I yet hope that at some time his still unpublished autobiography may be given to the world.

Notwithstanding the repeated discouragements and disappointments caused by the failure of the Army of the Potomac under its successive commanders to achieve the discomfiture of Lee and the capture of Richmond, the

military operations of the Government went on persistently. The blockade of the Southern ports was actively maintained. The capture of Fort Henry and Fort Donelson by General Grant gave a new impulse to the patriotism of the North and added a new and illustrious name to the roll of military chieftains. New Orleans was captured and General Butler held it with an iron hand. The brilliant campaign of Grant, Sherman and Thomas was followed by the transfer of the General-in-chief to the leadership of the Army of the Potomac; and the final stages of the war were marked by his unrelenting blows against the rebel forces in Virginia, by their dogged resistance, and by the march of Sherman to the sea.

Pending these successes and before they had been secured came the presidential election of 1864. The campaign was almost as eventful in the political field as was that of our armies in the actual strife of arms. In the Republican party the radicals were in favor of replacing Lincoln, on account of what they considered his halting policy, by a more energetic Executive, while the conservatives censured him for his too aggressive action against slavery and his abuses of power. The Democrats in their turn included all shades of opponents to the administration together with a vast number of loyal men who, under the name of "War Democrats," believed in the prosecution of the war, but in the main desired to see a Democrat at the head of the administration. In the end the clouds of discord cleared away from the Republican skies, and the star of Lincoln was again in the ascendant.

The Democratic party resorted to the expedient of nominating General McClellan for President on a platform which denounced the administration and declared the war a failure. On the day that this fatal blunder had been committed by the Democratic National Convention, I was taking a carriage trip through the Catskills with my wife. We stopped for dinner at Kingston, in Ulster County, a strong Democratic center, and there heard of McClellan's nomination. The news created a tumult of excitement and called forth violent exclamations. At the dinner table in the hotel the outpourings of an enthusiast of the gentler sex, seated just opposite ourselves, in support of the new candidate and against his rival, became so disagreeable to our Republican ears that we were forced to abandon our seats and establish ourselves at a safe distance in another part of the room.

General McClellan, while always a politician, was too much of a patriot to accept the part of the platform of his party which proclaimed the war to be a failure, and he was placed in the equivocal position of giving the lie to the declaration of the Convention which had nominated him. In the political campaign of 1864, as too often in his military campaigns, he led his forces to defeat. Lincoln was easily elected, receiving 212 out of 233 electoral votes and a popular majority of 494,567.

At an early period of the war, the New York Bible Society, of which I was president at the time, organized a plan for sending bibles to the soldiers in the field, and we held a public meeting in aid of this effort one Sunday

evening in Irving Hall. The house was crowded and great interest was manifested by the audience. The chief speakers of the evening were the Reverend Roswell D. Hitchcock, D.D., a professor and afterwards President of Union Theological Seminary, and the Reverend Stephen H. Tyng, D.D., then rector of St. George's Episcopal Church. Both were popular and effective speakers, and well known for their anti-slavery sentiments. Doctor Hitchcock made a stirring speech in support of a vigorous prosecution of the war, upholding it on its moral side and likening the attitude and action of the North to those of Samuel when he hewed Agag in pieces before the Lord. His hearers responded with hearty applause. During the interval, between the close of his speech and that which Dr. Tyng was to make, a collection was taken up. Doctor Tyng, who sat near me on the platform, suggested that after such an unseemly exhibition the exercises had better be closed with the benediction and the audience dismissed. I replied that it was my duty to carry out the program, and I should announce him as the next speaker, leaving him to settle the question with the audience. I accordingly introduced the Doctor, who began with a somewhat severe rebuke of what he regarded as unseemly conduct for a Sunday evening service; but instead of declining to speak he launched at once into an invective against slavery. "They tell us," said he, "that we ought to love slavery because it is a divine institution. So is Hell." This unexpected outburst brought down the house with a round of applause; and when it ended, the Doctor

who had fairly warmed up to his work, went on making his telling points with the vigor which he was accustomed to display on the platform; and we had no more protests against the Sabbath-day plaudits of the people.

After the re-election of Lincoln and during the fall and winter of 1864-65, the successes of the Union army went on apace. Grant, Sherman and Sheridan were the military heroes in whom the hopes of the North were centered and they did not disappoint those hopes. The fall of Richmond and the surrender of Lee at Appomattox on April 9, 1865, virtually ended the war. The South, as General Grant said in one of his most famous utterances, had "robbed the cradle and the grave" in its desperate efforts to prolong the war and support its tottering cause. It had neither the men nor the money for fresh campaigns of invasion, or for the defense of its strongholds in the interior or on the sea coasts. The vanquished forces gave up the strife and were at the mercy of the victors. The generous action of General Grant, after Lee's surrender, in allowing Lee's men to keep their horses because they would need them for the peaceful occupations to which they must return, exchanging the sword for the plowshare, struck the keynote of the magnanimity of the North toward the defeated South. In the first flush of the triumph, so long delayed and so dearly won, there was a vengeful feeling which would have brought the chief leaders of the Rebellion to the scaffold; but the mood of medieval vengeance held no sway, and

soon gave place to a feeling which called only for such restrictions to full citizenship as the interests of the restored Union required. Lincoln, had he lived, would doubtless have shown, in his policy of reconstruction, the same large-minded and large-hearted patriotism that he had shown during the war. But only six weeks intervened between his second inauguration on March 4, 1865, and his assassination on April 14.

No one event of a public nature which I can recall during the whole course of my life brought with it such an overwhelming sense of grief and gloom as this. We had become familiar with the war and all its distressing horrors, with the slaughter of brave men on sea and shore and with the grief brought into innumerable homes by these deadly encounters. But the idea of assassination was foreign to American thought and abhorrent to our feelings. The taking-off of Lincoln by a murderous and fatal shot, and the attempt upon the life of Secretary Seward, as a part of a plot to assassinate both the President and the chief member of his cabinet, was something which had no precedent in our history.

I doubt if any public man was mourned by the people whom he served as was Lincoln. He took at once the character of a martyr. All his faults and shortcomings were forgotten, and he stood forth in all the rugged grandeur of his nature. By his patience, his caution, his courage and his patriotism, he had saved the Union at the cost of his own life, and this was all the more thought of on that fatal day which brought the news of the tragedy in

Ford's theater. New York, which had gone wild with illuminations and fireworks when Richmond fell and the South gave up the fight, was now draped with the symbols of mourning. The grief was not only general but genuine. Its expressions were like those, touchingly described by Southey in his incomparable life of Nelson, which the English people showed when their great naval hero died, but with this difference: Nelson's life went out in a blaze of glory, Lincoln's in the blackness and darkness of a foul conspiracy. Even in England, where the higher the social rank the more pronounced had been the aversion to the cause of the Union, there came a great revulsion of feeling. This is, perhaps, nowhere better shown than in Tom Taylor's remarkable poem which appeared in *Punch*, May 6, 1865, a noble recantation of long-continued sarcasm and abuse. It faces a cartoon in which Britannia, as the central figure, places a wreath on the brow of Lincoln as he lies in death, while at his feet sits a negro with a broken chain, a symbol of emancipation, and at the pillow of the death-bed, Columbia bows her head in speechless sorrow. These are the opening lines:

YOU lay a wreath on murdered Lincoln's bier,
YOU, who with mocking pencil wont to trace,
Broad for the self-complacent British sneer,
His length of shambling limb, his furrowed face,

His gaunt, gnarled hands, his unkempt, bristling hair,
His garb uncouth, his bearing ill at ease,
His lack of all we prize as debonair,
Of power or will to shine, of art to please.

YOU, whose smart pen backed up the pencil's laugh,
Judging each step, as though the way were plain:
Reckless, so it could point its paragraph,
Of chief's perplexity, or people's pain.

Beside this corpse, that bears for winding sheet
The Stars and Stripes he lived to rear anew,
Between the mourners at his head and feet,
Say, scurril jester, is there room for *you*?

Yes, he had lived to shame me from my sneer,
To lame my pencil, and confute my pen—
To make me own this hind of princes peer,
This rail-splitter a true born king of men.

Profiting by the universal sentiment aroused by the martyrdom of Lincoln, which, for the moment, effaced the bitterness of partisanship, immediate steps were taken by Republican citizens to secure a site in Union Square for the statue which, while inadequate as a work of art, remains a perpetual memorial of Lincoln, a fitting counterpart to the equestrian statue of Washington on the eastern side of the same square.

Our last summer at Newburgh, 1865, was spent in the Seminary building where our sojourn was made exceptionally pleasant by the companionship of our friends, Dr. and Mrs. Prentiss and their family, and where, on July 27, our eighth child, John Crosby Butler, was born. He was named after John P. Crosby who married my eldest sister Margaret in 1840 and had endeared himself greatly to all our family. Mr. Crosby was a lawyer of excellent repute. My father made him an associate in

his new law business and gave him the inspiration of his example. As I have already related, it was his eldest son, Franklin Butler Crosby, who was killed at Chancellorsville. Mr. Crosby, himself, was destined to a tragic death. While bathing in the surf at Fire Island, September 19, 1876, he was drowned, and, notwithstanding long search and offered rewards, his body was never recovered. He had a noble and generous nature and a high Christian character. The bar of New York took special note of his death and warm tributes were paid to his memory by his brethren of the profession.

We had become so attached to our summer home at Newburgh that I was quite willing to accede to my wife's wish to secure a permanent dwelling-place for a part of the year on a ridge northwest of the Seminary and on a considerably higher elevation, where several houses had been built by friends of ours. One of these was apparently willing to allow us to become his successors in title, and accepted an offer which I made him; but almost immediately afterward he changed his mind.

In September of this year we were hastily summoned to New York by the alarming illness of Captain Marshall, which soon had a fatal issue. He died September 23, all his children being at his bedside. He was buried from the Second Avenue Presbyterian Church, of which the Reverend Asa D. Smith was then the paster. Dr. Prentiss made the address, and spoke in most impressive and fitting terms of the life and character of the friend whose virtues and whose love of country had been so conspicuous in the

community whose progress he had for so many years, helped to promote. The exposures of his earlier life during a period between the ages of fourteen and forty-four, in which he followed the sea from cabin-boy to commander of the highest class of sailing vessels, had doubtless told upon his strong constitution, which might otherwise have easily brought him to fourscore years. The great anxieties of the war, coupled with his intense grief at the death of Lincoln, contributed to the breaking down of his physical strength, bringing him to the end of his earthly life while he was only three years beyond threescore and ten. He was one of the founders of the Union League Club, and, at the time of his death, its president. While the war was in progress his evenings were, for the most part, spent in the Club, which then occupied its earliest home on the corner of Seventeenth Street and Broadway, facing Union Square, where the patriotism and loyalty of its members were busy in devising means for supporting the Government, and providing every measure for the prosecution of the war and the triumph of the Union cause.

[My father here speaks of the patriotism and loyalty of the members of the Union League Club. The Club itself, spoke in like terms of my father, in the following memorial resolution adopted after his death.—Ed.]

"Mr. Butler became a member of The Union League Club on the sixth of March 1863, on the nomination of William J. Hoppin, subsequently President of the Club.

"He was in the large group of important men admitted to membership one month after its organization and with them bore his honorable part in the patriotic work per-

formed by the Club. He continued his membership to the end of his life.

"He was Chairman of the Library Committee in 1865, and to his efforts the establishment of the library is understood to have been mainly due. Mr. Butler during his long membership, did not swerve in the least from the high purpose upon which this Club was established.

"He never filled a political office, but he did hold all his rare qualities and powers at the service of any worthy cause, and performed with energy and fidelity all such public duties as his associates cast upon him.

"While he never sought place or position, he willingly accepted invitations to perform any duty properly devolving upon a man of his importance.

"The quiet unostentatious connection of men like Mr. Butler with this Club, adds greatly to its influence and power, and while not attracting noisy attention, the fact of such connection is, in the highest degree, valuable and important."

Captain Marshall took to heart everything that seemed to him like delay, irresolution, or error on the part of the administration, and at times was shaken in his faith in Lincoln and almost despaired of the Republic. In this he shared in the general apprehensions which filled the minds of the most loyal and aggressive of the Republican leaders. He was impatient of what he thought the halting policy at Washington. Over and over again he urged me to use my pen in the interest of a more radical and vigorous course of action. But gradually he came to see, as we all did, that raw haste is half-sister to delay, and that the gigantic struggle of the civil war could not be hurried to a close. Such men as Captain Marshall, in the central places of moral influence and financial resources, were towers of

strength to the Government in those dark days of alternate victory and defeat, and no private citizen in New York did more than he to uphold the administration, support its policy and hasten the day of its final triumph.

The memorial printed by D. Appleton & Co., shortly after Captain Marshall's death, contains my brief biographical sketch of him, in which is included his own short narrative of his early life and its many eventful incidents, written in a simple style but making the story for this reason all the more attractive and interesting. His was a life of honest toil and persevering effort. His example of integrity, fidelity to duty and devotion to his country ought not to be lost on any of his descendants.

After the death of Captain Marshall we never returned to our home in Twelfth Street. Having failed in the proposed purchase at Newburgh and having sold the New York house, we determined to pass the winter out of the city, and looked about for a suburban residence. Going to Yonkers on this quest, we looked at a number of houses and were especially attracted to one on Palisade Avenue, then as now surrounded by centennial oaks which the hand of time had spared and against which no ax had been lifted. Stepping out on the veranda in the rear of the house, we had our first introduction to the noble view of the Hudson, from the Palisades, just opposite, to the hills of Staten Island, more than twenty-five miles away. It was a case of love at first sight; for from that time until now this outlook has never failed to be "a thing of beauty"and "a joy for ever."

But I had, at that time, no thought of becoming the permanent possessor of the place, which I had rented only for the winter, expecting to return to the city as our permanent future abode. The house was not then well adapted for a winter home. A small furnace at the south end of the cellar was the only means of heating, aside from open fireplaces, and the rooms on the north side of the house were almost uninhabitable during the exceptionally cold winter of 1865–66. It was evident that to convert this building into a comfortable habitation a work of reconstruction must be entered upon, almost as radical as that which had been undertaken by the government in the Southern States as a sequel to the war. Nevertheless, in our family, notably among the children, who formed the majority, all views favored the purchase of the place, and making it our home for all the year round; and so, after much discussion, I became the owner in fee of the premises which I had leased, and exchanged my holding as a tenant into an absolute title.

We christened the place "Round Oak" in honor of the noble and singularly symmetrical white oak which stood in front of the house and which seems to the eye hardly larger at the present writing than it did almost thirty-five years ago when it passed, by the deed, with the land into which it first struck its roots over a century ago.

[It was here at "Round Oak" that occasions arose, also notably among the children, for the poems that were printed in 1897 for private circulation, in a small volume appropriately called "Home Poems." Some of them had

been published in magazines and had also found their way into school readers. The two most popular being "Tom Twist" and "Somebody." The former is here reproduced, and several verses of the latter are quoted in Judge Holt's Memorial on page 408 post.

It was at "Round Oak" that there occurred on August 22, 1866, the death of John Crosby Butler, aged a little over one year. Here too were born Margaret Crosby Butler and Arthur Wellman Butler.—Ed.]

TOM TWIST

Tom Twist was a wonderful fellow,
No boy was so nimble and strong;
He could turn ten summersets backward,
And stand on his head all day long;
No wrestling, or leaping, or running,
This tough little urchin could tire;
His muscles were all gutta-percha,
And his sinews bundles of wire.

Tom Twist liked the life of a sailor,
So off, with a hop and a skip,
He went to a Nantucket captain,
Who took him on board of his ship;
The vessel was crowded with seamen,
Young, old, stout and slim, short and tall,
But in climbing and swinging and jumping,
Tom Twist was ahead of them all.

He could scamper all through the rigging,
As spry and as still as a cat,
While as for a jump from the maintop
To deck, he thought nothing of that;
He danced at the end of the yard-arm,
Slept sound in the bend of a sail,
And hung by his legs from the bowsprit,
When the wind was blowing a gale.

The vessel went down in a tempest,
A thousand fathoms or more,
But Tom Twist dived under the breakers,
And swimming five miles got ashore;
The shore was a cannibal island,
The natives were hungry enough,
But they felt of Tommy all over,
And found him entirely too tough.

So they put him into a boy-coop,
Just to fatten him up, you see,
But Tommy crept out, very slyly,
And climbed to the top of a tree;
The tree was the nest of a Condor,
A bird with prodigious big wings,
Who lived upon boa-constrictors,
And other digestible things.

The Condor flew home in the evening,
And there lay friend Tommy, so snug,
She thought she had pounced on a very
Remarkable species of bug;
She soon woke him up with her pecking,
But Tommy gave one of his springs,
And leaped on the back of the Condor,
Between her long neck and her wings.

The Condor tried plunging and pitching,
But Tommy held on with firm hand,
Then off, with a scream, flew the Condor,
Over forest and ocean and land;
By and by she got tired of her burden
And flying quite close to the ground,
Tom untwisted his legs from the creature,
And quickly slipped off with a bound.

He landed all right and feet foremost,
A little confused by his fall,
And then ascertained he had lighted
On top of the great Chinese Wall;

He walked to the City of Pekin
Where he made the Chinamen grin;
He turned ten summersets backward,
And they made him a Mandarin!

Then Tom had to play the Celestial,
And to dangle a long pigtail,
And he dined on puppies and kittens,
Till his spirits began to fail;
Then he sighed for his native country,
And he longed for its ham and eggs,
And in turning summersets backwards
His pigtail would catch in his legs.

He sailed for his dear home and harbor,
The house of his mother he knew,
He climbed up the lightning-rod quickly,
And came down the chimney flue;
His mother in slumber lay dreaming
She never would see him more,
When she opened her eyes and Tommy
Stood there on the bedroom floor!

Her night-cap flew off in amazement,
Her hair stood on end with surprise;
"What kind of a ghost or a spirit
Is this that I see with my eyes?"
"I am your most dutiful Tommy"—
"I will not believe it," she said,
"Till you turn ten sommersets backwards,
And stand half an hour on your head."

"That thing I will do, dearest mother."
At once, with a skip and a hop,
He turned the ten summersets backwards,
But then was unable to stop!
The tenth took him out of the window,
His mother jumped from her bed,
To see his twentieth summerset
Take him over the kitchen shed.

Then over the patch of potatoes,
And beyond the church on the hill,
She saw him tumbling and turning,
Turning and tumbling still;
Until Tommy's body diminished
In size to the head of a pin,
Spinning away in the distance,
Where it still continues to spin.

One motive inducing us to remain in Yonkers was to provide for the better accommodation of my libraries, both miscellaneous and law. The peculiar pleasure of a book-lover is his books. They gradually become members of his household for which, if he does not provide, he is, perhaps, not worse than an infidel, but an inexcusably negligent guardian. Accordingly the first movement in the interior reconstruction of "Round Oak" was the creation of a library for my miscellaneous books, which should not only give them a fitting abode but also be an attractive place for the family indoor life.

If I rightly remember, it is Arthur Helps who says in one of his essays that of friendships formed with books we never tire, a sentiment none the less true because somewhat trite. Certain it is that a man given at all to the love of letters finds himself, even when seated alone in his library, in the choicest companionship. This is especially true when the books which are arranged on his shelves represent long years of careful collection and intimate acquaintance.

I began to buy books when I was little more than a boy, keeping my treasures on vacant shelves of a large wardrobe in my bedroom. Among my early acquisitions

of sixty years ago are some of the Pickering Aldine poets, bound in quaint morocco and gilt, probably coeval with their first publication. These formed the nucleus of my collection of the entire set; the later volumes, as I gradually picked them up, being bound in accordance with more modern standards. In the active years of my professional life I never had the time nor the spare cash to follow the collectors of first editions and other rare products of the press into the alluring and labyrinthine paths in which they pursue the objects of their search. While often disposed to envy them the pleasures and the trophies of their quest, I have never been able to follow them so as to share either in the excitement or in the rewards of the chase. I have contented myself, for the most part, with the best editions of the English classics and of our foremost American authors, with other works chosen from the wide fields of literature, giving them the benefit of good binding. My edition of Bacon is a good specimen of Pickering's handiwork, while many other volumes, large and small, exhibit his skill and care in their exterior forms. Among other highly valued works I include the fine copy of Knight's Shakespeare.

My law library was at first domiciled in the room opposite the library at the southeast corner of the house, called the study, but as it increased in the number of books, it was, at a later time, established in the basement underneath the library. As the new quarters were not below ground, but looked out at a level with pleasant views, I enjoyed its quiet during many working hours

which often ran far into the night. My father's law books, which came to me with those relating to American history and politics, were supplemented by the ever-increasing number of reports, English and American, issued by the law publishers to an extent far beyond the ability of lawyers to make room for them on the shelves of private libraries. In fact, the day of private libraries intended as repositories of the books needed to keep pace with the requirements of the profession has gone by. It was possible fifty years ago to have a fair working library in one's house, but as the reports of forty-five States claimed recognition the New York lawyer had to content himself with having at home reports of his own State and of the older commonwealths, and to rely upon the public libraries to supplement the deficiencies of his own.

The change from city to suburb or to a *rus in urbe*, such as Yonkers has become for all the year round, drove a deep plowshare through our domestic life and uprooted many old ties and habits. Some social sacrifices were inevitable, some family reunions were made impossible, and some forms of private intercourse and public service had to be abandoned. Moreover, the hours of daily travel from house to office, and from office to house, showed an alarming proportion of time required for this purpose as compared with the remainder of the twenty-four hours. But in spite of these drawbacks, not unworthy of serious consideration, I can not doubt that although our change to a suburban residence was a violent wrench, with some after-

twinges of regret, it was a wise and beneficent choice. I believe it gave to both my wife and myself the prolonged lives we have enjoyed, and to our children, and largely to our grandchildren, it brought advantages which, in a city, would have been impossible.

If any one wants in good earnest to make trial of a suburban life, let him begin his experiment on the eve of winter and pursue it resolutely to the vernal equinox. If his physical constitution, his natural inclinations, his tastes and his temper stand the test of this probation, he will be surprised to find how entirely and how easily he can thereafter prefer the new life to the old. The fact that every great and popular capital has its outlying suburbs, more or less endowed with rural charms and the ever-varying attractions of nature, and the extent to which these are made subservient to the needs of the citizens who desire to leave the city for the country, show how universal is the craving for a fuller physical enjoyment of life than can be found in a metropolis.

Living in the open, enjoying companionship with nature, looking daily upon the broad river with its rocky ramparts and upon the myriad forms of plants and flowers, of growing shrubs and trees, sleeping in the uncontaminated air and waking amid the glow of dawn, unrestricted by the encircling obstructions of the town—these were ample compensations for the self-denials which they cost.

Having been spared to bring my unimportant narrative down to the close of the war and the removal of our

family from the city to our suburban home, I have reached a point at which I may close this part of these reminiscences. Should I be prevented from completing the whole work, this portion of it which I have been able to finish will stand by itself for what it is worth, and to that extent will have accomplished the design for which it was undertaken.

[My father had intended to continue his reminiscences until the end of the century, but he was able to bring them down, in finished and consecutive form, only to 1865.

During one of his last conversations with us on the subject, he repeated the thought embodied in the last sentence of this Retrospect: "That part of my work," he said, "giving the causes of the Civil War, and events until the time of our moving to "Round Oak," is finished, and you may do with it what you choose."

There has been no question as to choice. It has been a sacred duty, as well as a grateful task, to prepare these pages, not only for those for whom they were intended, but also for all others who may wish to share them with us.—Ed.]

APPENDIX

MEMORIAL OF WILLIAM ALLEN BUTLER

BY GEORGE C. HOLT

READ BEFORE THE ASSOCIATION OF THE BAR OF THE CITY OF NEW YORK, MARCH 10, 1903

William Allen Butler was born at Albany, on February 20, 1825, and died at Yonkers, on September 9, 1902. He was a son of Benjamin F. Butler and Harriet Allen, his wife. She was a relative of Lieutenant William Howard Allen of the Navy, for whom William Allen Butler was named.

Benjamin F. Butler was one of the most distinguished lawyers of his time. He was Attorney General in the cabinets of Presidents Jackson and Van Buren. One of William Allen Butler's earliest recollections was of being frequently, when a little boy, at the White House, where he was an especial pet of President Van Buren. The relations between Mr. Van Buren and William Allen Butler during all Mr. Van Buren's life were very friendly. Mr. Butler regarded him with great esteem and admiration, and after his death, about the beginning of the war, Mr. Butler delivered an admirable address on "Martin Van Buren, as Lawyer, Statesman and Man," which contains a high estimate of his ability and shows the affectionate regard which he felt towards him personally. Mr. Benjamin F. Butler was one of the authors of the revision of the laws of New York of 1830. One of the most interesting occasions which has ever occurred in this Association was the presentation by Mr. William Allen Butler to the Association of

portraits of the three revisers, with an address giving a history of their lives and of the revision. No one who heard that address failed to be deeply impressed by the beautiful tone of filial admiration and affection with which he described in it the life and professional career of his father. The portrait of Mr. Benjamin F. Butler is a copy of the original portrait by Hicks, which always hung in Mr. Butler's dining-room at Yonkers. It was made by Mr. Howard Russell Butler, who at an early age left the profession of the law, in which he had given much promise of eminence, for the profession of a painter, in which he has achieved marked distinction. He was also the painter of the Association's portrait of Mr. William Allen Butler; and it is a pleasant fact that these two portraits of Mr. Benjamin F. Butler and Mr. William Allen Butler, which are among the most excellent that the Association possesses, were painted by a grandson of the one and a son of the other.

After Mr. Benjamin F. Butler ceased to be a member of the cabinet of Mr. Van Buren, he settled in New York City, and continued to reside there with his family during the rest of his life. William Allen Butler was educated at the University of the City of New York, from which he was graduated in the year 1843. He was deeply attached to the University, and was highly honored by it. During many years he delivered a course of lectures on admiralty law before the Law School of the University. He was for many years a member of the Council of the University, and after the death of his uncle, Mr. Charles Butler, was its president for a considerable time. His class since graduation has had a dinner each year, and it is said that Mr. Butler attended fifty-five out of the fifty-nine of these annual dinners which occurred between his graduation and his death. A poem which he read at the fifty-fifth of these dinners in 1897 shows the affection which he felt for the college and for his class:

"Our Fifty-fifth! Since first, in '43,
Proud to possess a Bachelor's degree
And flushed with triumphs of Commencement Day
We sought, downtown, at Barclay and Broadway,
The old "American," by Cozzens kept—
Long since to ruin and oblivion swept—
And there, with speech and song and all good cheer,
Pledged one another that each coming year,
Gathered around the festive board, should see
The unexampled Class of '43.
"That day and this long years have rolled between,
Our thirty-two have dwindled to thirteen,
And yet the pledge we gave as youngsters then
Has been well kept and now nine loyal men,
True to its mandate, gather as of yore,
Send our best greetings to the absent four,
Relight the camp-fire as in earlier days,
Fan its faint embers into heat and blaze,
And call the roll which grimly seems to say,
'The boys of old are grandsires of to-day.'
Too true; we linger waiting on the shore
From which our comrades all have gone before,
With short farewells, and while their forms we miss
We gaze beyond to brighter scenes than this."

Mr. Butler naturally chose the law for his profession. He was brought up in a legal atmosphere. The family's social relations were largely among lawyers. One sister married Mr. Daniel De Forest Lord and another Mr. John P. Crosby.

Mr. Butler studied law in the office of his father and was admitted to the bar in 1846. His first partner was Hiram Barney, who was Collector of the Port of New York during the war of the rebellion and in that connection held peculiarly intimate relations with Mr. Linclon and his cabinet. Mr. Barney was a man of singularly attractive manners, who, in

a long life, knew an unusual number of interesting and distinguished people. Few men whom I have ever met were more interesting and attractive in conversation, and it is a matter of regret that Mr. Barney never wrote out his reminiscences of his life. It would have made an unusually attractive book.

After the firm of Barney & Butler had been in existence for some time Mr. James Humphrey, afterwards a member of Congress from Brooklyn, was taken into the partnership, the name becoming Barney, Humphrey & Butler. After Mr. Humphrey's retirement Mr. George W. Parsons was taken into the firm, the new style being Barney, Butler & Parsons. This firm was succeeded by the firm of Butler, Stillman & Hubbard, and by the present firm of Butler, Notman, Joline & Mynderse, in which Mr. Butler's oldest son, Mr. William Allen Butler, Jr., has been for many years a member.

During Mr. Butler's entire life the firm with which he was connected did a very large law business. Mr. Butler was the leading advocate in the firm, but his professional work was not at all confined to advocacy. He took also a laborious and active part as office counsel and in the general administration of the business. In 1850 Mr. Butler married Miss Mary Russell Marshall, a daughter of Captain Charles H. Marshall, of the famous Black Ball line of packet ships, and who, from 1845 to 1865, was one of the Board of Pilot Commissioners. Mr. Butler became at an early age counsel for this board. The regulation of pilotage for the Port of New York, although Congress has power to regulate it, has usually been left under the control of the States. A vicious system of political control in the creation and maintenance of the Board of Port Wardens, which resulted in terrible disasters on Rockaway Beach and the shipwreck of the vessels the *Bristol* and the *Mexico*, with the loss of many lives, in the years 1836 and 1837, excited a storm of public indignation, and the Port Warden system was abolished.

In 1845 the State repealed all its pilotage laws, apparently expecting that the matter would be adequately regulated by Congress; but it was not. The Chamber of Commerce and the Board of Marine Underwriters thereupon formed a voluntary association for the licensing and government of pilots, which continued until 1853, when the Legislature passed an act creating a Board of Commissioners of Pilots, on the basis of the existing voluntary organization, providing that three commissioners should be elected by the Chamber of Commerce and two by the Board of Marine Underwriters. The constitutionality of this act was questioned on the ground that the method of the appointment of the commissioners by non-political organizations was contrary to the Constitution of the State and also on the fundamental ground that Congress alone had authority to pass laws regulating the subject of pilotage. In the case of *Sturgis* v. *Spofford* (45 N. Y., 446), Mr. Butler successfully maintained the constitutionality of the law, which has remained in force ever since. It is believed that the Pilotage Board affords the sole instance in this State of public officers appointed by private organizations having no political or public authority. It is a matter of public congratulation that a method should have been selected for the appointment of this board having in charge such important interests in connection with the commerce of this port, which has always kept it free from political influences, and Mr. Butler is entitled to much of the credit for the establishment and maintenance of the system. Besides the regulation of pilotage the board was empowered by the Legislature to prevent encroachments on the public piers. In the case of *People* v. *Vanderbilt* (26 N. Y., 286) Mr. Butler succeeded in setting aside a grant made by the Common Council of a pier in the North River and compelled the proprietors of private steamship lines to desist from the exclusive possession of piers to the injury of general commerce. This led to legis-

lation establishing the present system permitting the erection of sheds on certain piers for the exclusive use of vessels employed in regular lines and the setting aside of other piers for the general use of commerce.

Mr. Butler's position as counsel for the Board of Pilot Commissioners naturally led to his being frequently retained in general admiralty business. He was engaged in a large number of the most important admiralty cases brought in his time in New York. Among these cases were *The Pennsylvania* (19 Wall., 126), which established the rule in collision cases that if either vessel has violated an express provision of a statute establishing a rule of navigation, the burden of proof is upon her to establish that such violation could not have contributed in any way to the disaster: *The Lottawanna* (21 Wall., 558), which held that material-men furnishing supplies to a vessel in her home port acquired no lien by general maritime law as adopted by the United States, but that the States, until Congress acts, can authorize such liens by statutes, and that such statutes, although not capable of enforcement by proceedings *in rem* in the State courts, can be enforced in the United States District Courts: *The Scotland* (105 U. S., 24), which held that the owners of foreign vessels may obtain the benefits of the United States Statute limiting the liability of shipowners for disasters occurring on the high seas, and *The Montana*, a case which in the United States Supreme Court is reported under the title of the *Liverpool, &c., Co.* v. *Phœnix Ins. Co.* (129 U. S., 397), which held that a contract of affreightment made in New York to ship goods by a British steamer to Liverpool, where the freight was to be paid in English currency, was an American contract, and that a stipulation exempting the company from responsibility for the negligence of its servants was void under the rule established by the United States Supreme Court in regard to land transportation in the case of *Railroad*

Co. v. *Lockwood*, although by the law of the State of New York, of England, and the general maritime law existing upon the Continent of Europe such stipulations for exemption are valid.

But Mr. Butler's professional labor was not at all confined to admiralty law. Several of the newspapers at the time of his death spoke of him as though he were exclusively an admiralty lawyer, but it is entirely erroneous to suppose that he was exclusively or principally devoted to that branch of the profession. No man at the New York bar in his time had a more diversified and general practice, as a reference to some of the leading cases in which he was engaged, outside of admiralty, will show. *Juilliard* v. *Chaffee* (92 N. Y., 529) is a leading authority, showing the extent to which the modern authorities have modified the rigor of the ancient rule that parol evidence is inadmissible to contradict or vary a written contract. *Warner* v. *Jaffray* (96 N. Y., 248) is a leading authority on the proposition that an assignment for the benefit of creditors, made by a citizen of this State, does not prevent a creditor residing in this State from obtaining a valid lien by attachment on the property of the assignor situated in another State, if the requisite steps have not been taken in such other State to make the assignment operative upon property situated there. *The Fifth Avenue Bank* v. *Colgate* (120 N. Y., 381) decided what proceedings were necessary for the protection of a special partner to extend the term of an existing special partnership, a question which, owing to the obscure language of the statute, had presented great practical difficulties to the profession before that decision. *Hyde* v. *King* (3 Fed. Rep., 839) was a peculiar and intricate case in which certain fraudulent deeds, executed by an official assignee in bankruptcy under the Bankrupt Act of 1841, were set aside. *Jones* v. *Guaranty & Indemnity Co.* (101 U. S., 622) was a case in which a large loan was held to have been made to a corporation, although the

bond to secure it was the individual bond of the President of the corporation. *Hoyt* v. *Sprague* (103 U. S., 113) was a case of extraordinary complexity, in which an attempt was made to hold the estate of a guardian for investments of his ward's property made many years before in the stock of a manufacturing corporation. Chief Justice Waite of the United States Supreme Court said that in that case Mr. Butler made the most lucid statement of complicated facts which he had ever heard. In *Juilliard* v. *Greenman* (110 U. S., 421) the United States Supreme Court decided that Congress had the constitutional power to make Treasury notes a legal tender even in time of peace, and not as an incident of the war power, upon which its previous decisions had practically based the right; a decision which a great many of the legal profession in this country regard as erroneous and as being shown to be erroneous by the masterly dissenting opinion of Mr. Justice Field. *Stevenson* v. *Brooklyn Railway Co.* (114 U. S., 149) was an important patent suit; the *Liverpool, &c., Co.* v. *Gunther* (116 U. S., 115) involved difficult questions in the law of fire insurance; the *Fourth National Bank* v. *Francklyn* (120 U. S., 747) is a leading case on the enforcement of stockholders' liability; the *Union Trust Co.* v. *N. Y., Chicago & St. Louis Ry. Co.*, not reported, argued in the Court of Common Pleas, Cuyahoga County, Ohio, involved the validity of the first mortgage for $15,000,000 on the Nickel Plate Road. The Court decided against the validity of the mortgage, but the successful parties realized that the decision was of very doubtful validity, largely by reason of the very admirable argument made by Mr. Butler, and a very satisfactory reorganization was effected notwithstanding the adverse decision.

These cases, and others which might be cited, in which Mr. Butler was the leading counsel generally, involved very large amounts and very important legal questions, and it is at

once apparent from a consideration of the general class of questions involved how wide was the scope of his professional practice. His general rank as a lawyer was very high. As a consulting counsel, supervising the extensive work of a very large office, his advice was judicious and accurate; as an advocate he was admirable, both in the trial of causes in courts of first instance and upon appeals. His legal learning was great. He was the master of a style of marked distinction, lucidity and force. A peculiarly charming feature of his advocacy was the wit with which he almost always enlivened his arguments. His humor was always kindly and natural. It was never too prominent, but almost always, in any argument that he made, there were touches of bright and spontaneous humor here and there, which admirably illustrate his argument and always added a charm to it. His wit was never sarcastic and never wounded. He was especially courteous to young lawyers whom he met at the bar. Many letters were written to members of his family after his death, in which grateful references were made to this trait in his character.

It is almost impossible to do justice to such a light and evanescent thing as humor in specifying instances of it, so much depends on the circumstances and the individuality of the man who is the author of it; but I venture to give a few instances of Mr. Butler's humor, well knowing how inadequate any such instances may be.

He was at one time opening a case to the jury growing out of the failure of a merchant who had been engaged in the East India trade, and whose failure was caused by the fall in price of a large quantity of manila hemp which he had ordered. Mr. Butler, after stating the facts, said that this firm, like certain other unfortunate persons, was finally suspended by too much hemp.

I once heard him begin the argument of an appeal in this

way: "May it please the Court—This action was begun about thirty years ago; the original plaintiff is dead, and the substituted plaintiff is dead ; the original defendant is dead; all of the counsel originally connected with the case are dead; and the principal question upon this appeal is whether the cause of action survives."

Mr. Butler once sent a bill to an old and rather close-fisted merchant whose handwriting was very bad. He received a letter in reply which was quite undecipherable, and Mr. Butler asked him to call personally. He did so and apologized for his handwriting, saying, with a twinkle in his eye, that it might be hereditary, for his father and grandfather were both lawyers. He then began to make cautious suggestions for an abatement in the account, whereupon Mr. Butler interrupted him and said: "Now, my friend, I feel perfectly sure that if your father and grandfather were here, they would say that this bill was just right." The old gentleman, with a chuckle of appreciation, immediately drew his check for the whole amount of the bill.

At the celebration of the Centennial Anniversary of the United States Supreme Court at New York, in 1890, Mr. Butler was selected to speak on the early organization and history of the Court. The arrangements for the celebration, it will be remembered, consisted of meetings with addresses during the day ending with a dinner in the evening. On the day of the celebration a large audience attended at the Metropolitan Opera House. Addresses were made by various distinguished persons, President Cleveland, Chief Justice Fuller, Mr. Justice Field, Hon. Edward J. Phelps, and others, all of which were excellent of their kind, but the kind, it must be admitted, was a little ponderous and soporific. Mr. Butler began his address with a description of the first sitting of the Court, which he ended as follows:

"One interesting incident of the first session of the Supreme Court in this city may detain us for a moment longer. It established a precedent which is happily recognized and followed to-day. The Court accepted an invitation to dinner." As this was said a smile rippled over the faces of the audience, and every one felt that sense of relief which a bit of fun gives under such circumstances. The thing said was, of course, a trifle, but probably none of the other speakers on that occasion would have deemed it appropriate to say anything which would raise a smile. It was upon just such points that Mr. Butler's taste and tact were always so superior.

Mr. Butler was particularly accurate in his knowledge of the Bible. It was very dangerous for any one in his presence to make a misquotation from that source. He was once attending a church meeting in which a project was on foot for raising money, and some one made a speech in which he urged with much insistence the example of the widow's mite in the Bible. When he finished Mr. Butler arose and stated that he regretted to be obliged to correct the preceding speaker, but that the Bible contained nothing about a widow's mite; a statement which was received with exclamations of surprise and incredulity by the entire audience. Mr. Butler added: "The widow spoken of in the Bible contributed *two* mites to the object to which her charity was directed, an example which should not be overlooked by those intending to make small contributions to this cause."

A motion once made by Mr. Butler to have a person brought in as a party in a rather late stage of the proceeding, the result of which would be to enable him to share with others in the distribution of a fund, was strongly opposed, the counsel repeatedly asserting that the party was applying to come in at the "eleventh hour." All that Mr. Butler said in reply was that if the Court would consult the authority referred to by his

learned opponent it would find that the man who came in at the eleventh hour got as much as all the rest. The motion was granted.

On the trial of the "Nickel Plate" case at Cincinnati, in which the opposing side was trying to repudiate the first mortgage, Judge Ranney, one of the opposing counsel, made a strong attack on the conduct of an absent officer of the road who had taken part in the execution of the mortgage, in the course of which he made what purported to be a Scriptural quotation, which Mr. Butler in the beginning of his argument referred to as follows:

"As my distinguished and venerable friend, if I may be allowed so to call him, Judge Ranney, says that he may be called away, and as he has undertaken to support one of his arguments (for I assume that he would interject into this case nothing which he did not suppose to be relevant, in the way of argument), by a quotation from Scripture, I will, with your Honor's permission, waste a moment upon the point which he has thus made. What the learned counsel said in his argument on Saturday was that he was reminded of the Scriptural account of an occurrence which he stated in these precise words, which I took down in my notes at the time: 'And when they were all assembled with one accord in one place, Satan came also among them.' The first part of the supposed citation I find in the copy of the authority now furnished by the counsel, in the New Testament—Acts, second chapter, first verse. He undertakes to verify that citation by going back several thousand years to the Old Testament, and quoting from the Book of Job. That is what they call, in the vernacular of Wall Street, a 'straddle' "!

Judge Ranney: "You don't repudiate Job down there, do you?"

Mr. Butler: "I thank the gentleman for that word. When we come to the passage in Job where it said, 'Satan came,' we find that instead of its being where all were assembled with one accord, it was in a higher tribunal than any before

which we have as yet been called to appear, where Satan was making the air lurid with his denunciations of an honest, absent man. He said in substance that he was a sham and a fraud, and if he could get hold of him, and turn him inside out, he would be like the proverbial cat to which the learned counsel likened the Nickle Plate Company, of which nothing is left but the tail—not even the skin—and it would be seen what his honesty was good for. Job did not lose his skin. Unfortunately for him that was the place where personally he was most afflicted. He sat down on an ash heap, and scraped himself with a potsherd; but he never repudiated. So much for Scripture."

Mr. Butler's name is third on the call for the organization of this Association, in which he always took a deep interest. On various occasions he prepared memorials of deceased members, among them those of Mr. Nash and Mr. Tilden; that of Mr. Tilden particularly being one of the classics of the Memorial Book. Mr. Butler was President of this Association in 1886 and 1887, and President of the American Bar Association in 1886. The rules of that association require that the President in his annual address review the legislation of Congress and the State legislation during the preceding year. Mr. Butler's address on that occasion was not only admirable in every respect, but differed from any other ever delivered in that body by occasional touches of humor, which very much relieved the usual heavy effect almost inseparable from so dry a subject.

But it was as a literary man that Mr. Butler was most widely known by the general public. When a very young man he achieved an extraordinary success in literature by the poem called "Nothing to Wear."

This poem he first published anonymously. It immediately attained great popularity in this country and in England, was translated into several foreign languages, and achieved

that supreme test of excellence of having its authorship claimed by one of those strange creatures that frequently attempt to obtain the credit of anonymous publications.

"Nothing to Wear" was so well known that it was often jokingly referred to in Mr. Butler's presence, and whenever such a reference was made in the midst of any serious business, the effect on him was very disconcerting. He was once trying a case against Mr. Bourke Cockran, in which it was necessary to prove the value of a stock of dress goods. A witness that Mr. Butler was examining testified that the stock contained, among other things, fifty dozen fichus. "Won't you explain to the jury," said Mr. Butler, "what a fichu is"? Mr. Cockran broke in and said, "That's not necessary, Mr. Butler; everybody knows that a fichu is an article that a lady puts on when she has nothing to wear." It was some time before Mr. Butler could bring the Court and jury back to a serious consideration of the case.

In the course of his life Mr. Butler wrote a large amount of poetry of various kinds. An edition of his collected poems was published in 1871, and another containing various additional poems, in 1899. The last edition omits a number of his poems printed in the first edition, notably his poems entitled "Two Millions" and "General Average," which are, I think, in some respects, among the best things he ever did.

The style of his poetry is about equally divided between humorous and serious verse. His serious poetry is of a fairly high quality, but his humorous work is that upon which his reputation as a poet will really rest. His light society verse ranks very high in that class of poetry. "Nothing to Wear" is, I think, as clever as any verses of society written in English except those of Praed. He was not the equal in ludicrous rhymes of Barham, the author of the "Ingoldsby Legends," or of Hood in extraordinary punning verse, nor was he the equal

of either Lowell or Holmes in this country in purely humorous poetry, or perhaps of John G. Saxe in rhyming facility. But with those exceptions I think that it would be difficult to name any writer of his time in England or this country, that has excelled him in his own special line. He was peculiarly a master in the use of odd and unexpected rhymes. For an illustration, take these instances from "Nothing to Wear":

"Nothing to wear! Now, as this is a true ditty,
I do not assert—this you know, is between us—
That she's in a state of absolute nudity,
Like Powers' Greek Slave or the Medici Venus."

. . . . . .

"Well, I felt for the lady, and felt for my hat, too,
Improvised on the crown of the latter a tattoo."

. . . . . .

"I should mention just here, that out of Miss Flora's
Two hundred and fifty or sixty adorers,
I had just been selected as he who should throw all
The rest in the shade, by the gracious bestowal
On myself, after twenty or thirty rejections,
Of those fossil remains which she called her 'affections,'
And that rather decayed, but well-known work of art,
Which Miss Flora persisted in styling her 'heart.'
So we were engaged. Our troth had been plighted,
Not by moonbeam or starbeam, by fountain or grove,
But in a front parlor, most brilliantly lighted,
Beneath the gas-fixtures, we whispered our love.
Without any romance, or raptures or sighs,
Without any tears in Miss Flora's blue eyes,
Or blushes, or transports, or such silly actions,
It was one of the quietest business transactions,
With a very small sprinkling of sentiment, if any,
And a very large diamond imported by Tiffany."

. . . . . .

A short time ago some newspaper writer asserted that no rhyme could be made on the name of Tiffany and a correspondent in the *Times* replied, citing this passage.

The following description of the famous Sexton of Grace Church, from his poem, "The Sexton and the Thermometer," illustrates the same cleverness in rhyming:

"No mere undertaker was he, or to make
The statement more clear, for veracity's sake,
There was nothing at all he did *not* undertake;
Discharging at once such a complex variety
Of functions pertaining to genteel society,
As gave him with everyone great notoriety;
Blending his care of the church and the cloisters
With funerals, fancy balls, suppers, and oysters,
Dinners for aldermen, parties for brides,
And a hundred and fifty arrangements besides;
Great as he was at a funeral, greater
As master of feasts, purveyor, *gustator*,
Little less than the host, but far more than the waiter."

Mr. Butler's easy mastery of humorous verse is well illustrated in his poem called "Dobbs His Ferry," a poem directed against the silly craze which existed at one time for changing the good old names of places on the Hudson River. In that poem he has a dream in which he meets the original Dobbs.

"I turned, and there the craft was,
Its shape 'twixt scow and raft was,
Square ends, low sides, and flat;
And, standing close beside me,
An ancient chap who eyed me,
Beneath a steeple hat;
Short legs—long-pipe—style very
Pre-Revolutionary—

I bow, he grimly bobs;
Then, with some perturbation,
By way of salutation,
Says I, 'How are you, Dobbs?' "

Dobbs thereupon frees his mind about the new names of places, as follows:

"That's it, they're not partic'lar,
Respecting the auric'lar,
At a stiff market rate;
But Dobbs' especial vice is,
That he keeps down the prices
Of all their real estate!
A name so unattractive
Makes villa-sites inactive,
And spoils the broker's jobs;
They think that speculation
Would rage at 'Paulding's Station,'
Which stagnates now at 'Dobbs.' "

. . . . . .

"Down there, on old Manhattan,
Where land-sharks breed and fatten,
They've wiped out Tubby Hook.
That famous promontory,
Renowned in song and story,
Which time nor tempest shook,
Whose name for aye had been good,
Stands newly christened 'Inwood,'
And branded with the shame
Of some old rogue who passes
By dint of aliases,
Afraid of his own name!

"See how they quite outrival,
Plain barn-yard Spuyten-Duyvil,

"By peacock Riverdale,
Which thinks all else it conquers,
And over homespun Yonkers
Spreads out its flaunting tail!
There's new-named Mount St. Vincent,
Where each dear little inn'cent
Is taught the Popish rites;
Well, ain't it queer, wherever
These saints possess the river
They get the finest sites!"

Mr. Butler very often wrote verses on occasions of reunions and birthday celebrations in his family. Those written for the children were very bright and gay, and those written for meetings of older members of the family were singularly graceful. One of the children's poems, entitled "Somebody," contains the following verses, a good illustration of his style:

"SOMEBODY"

There's a meddlesome "Somebody" going about,
And playing his pranks, but we can't find him out;
He's up-stairs and down-stairs from morning till night,
And always in mischief, but never in sight.

The rogues I have read of in song or in tale
Are caught at the end, and conducted to jail;
But "Somebody's" tracks are all covered so well
He never has seen the inside of a cell.

Our young folks at home at all seasons and times
Are rehearsing the roll of "Somebody's" crimes;
Or fast as their feet and their tongues can well run,
Come to tell the last deed the sly scamp has done.

" 'Somebody' has taken my knife," one will say;
" 'Somebody' has carried my pencil away";

"'Somebody' has gone and thrown down all the blocks";
"'Somebody' ate up all the cakes in the box."[1]

I do not certainly know who the somebody is who is referred to in this poem, but I have a suspicion that the extraordinary activity and energy in childhood of the somebody there described was the source, in maturer years, of that excellent book for which our profession is so much indebted to one of the members of this Association, on "The Treaty-Making Power of the United States."

As an illustration of the grace and charm of Mr. Butler's graver poems on family occasions, let me quote a verse from "A Golden Wedding," a poem read at the fiftieth anniversary of the marriage of his uncle, Mr. Charles Butler:

"Only once in fifty years
The Golden Wedding day appears;
Like a guest from far-off lands,
Knocking at the door he stands.

[1] The additional verses to this poem are here given.—Ed.

It is "Somebody" breaks all the pitchers and plates,
And hides the boys' sleds and runs off with their skates,
And turns on the water and tumbles the beds,
And steals all the pins and melts all the dolls' heads.

One night a dull sound, like the thump of a head,
Announced that one youngster was out of his bed;
And he said, half asleep, when asked what it meant,
"'Somebody' is pushing me out of the tent!"

Now, if these high crimes of "Somebody" don't cease,
We must summon in the detective police;
And they, in their wisdom, at once will make known
The culprit belongs to no house but our own.

And should it turn out after all to be true
That our young folks themselves are "Somebody," too,
How queer it would look if we saw them all go,
Marched off to the station-house, six in a row!

Ah! how few the happy homes
Where his tardy footstep comes;
Ah! how few can watch and wait
For a guest who comes so late.
Tears are on his wrinkled cheek—
Some are gone he fain would seek;
Smiles are on his happy face—
All the living to embrace;
Give him welcome, warm and bright,
For he tarries but a night,
With glad songs and garlands gay,
Hail the Golden Wedding day."

. . . . . .

"Golden in the hopes whose light
Makes life's evening calm and bright;
Here are home's endearing charms,
Love's encircling, sheltering arms;
All that best old age attends—
'Honor, love and troops of friends,'
Yet the brightest prospect lies
Past the bound of earthly skies;
Home still fairer, love more fond,
Blessings here and bliss beyond!"

Twenty-five years after this, in 1900, Mr. and Mrs. Butler celebrated their own golden wedding, on which occasion Mr. Butler wrote a poem entitled "Pactolus," likening the blessings they had received to the golden river of Crœsus, but giving its source "in the blessing of the Lord."

Many of his references to the profession of the law in his humorous verse are very apposite and clever.

One of the best definitions of General Average which I know of is contained in his poem with that title:

"Thus, circled with perils, ship, cargo and freight,
Involved in one common adventure and fate.

Where disaster befalls, 'tis equal and fair
That all the full burden of rescue should bear,
Each paying its just and proportionate share,
Which joint contribution, on this equal scale,
Is called 'General Average,' whence hangs our tale."

In his poem of "Two Millions" there is a description of a man of great wealth who is found in a fit and is supposed to be dead. He held convulsively clutched in each hand portions of his will, which he had torn in two. The question immediately arose whether he had annulled his will by intentionally destroying it, or it had been unintentionally torn by an involuntary convulsive action when he was seized with the attack. A lawyer is consulted.

"Straight on the lawyer's clear, prophetic sight,
The Firkin Will Case rises into light,
Latest and greatest of the famous causes,
About last wills, their codicils and clauses.
He sees the eager birds of prey who wait,
Around the carcass of the huge estate,
In the dim chambers of the Surrogate;
Three bulky quartos stuffed with the proceedings,
Ten leading lawyers crammed with special pleadings;
A hundred witnesses on either side,
With cross-examinations scarified;
And twenty doctors, portly and persistent,
With twenty theories, all inconsistent!
But, fairest sight of all, besides, he sees
A princely revenue of costs and fees,
No risk of loss, no client to be dunned,
All the expenses charged upon the Fund!"

Mr. Butler's prose works were quite inconsiderable in comparison with his poetry. He wrote a bright little story,

full of wit, entitled "Mrs. Limber's Raffle," showing that an ordinary church raffle is a clear violation of the laws of this State. He also wrote a novel called "Domesticus." This book contains many bright passages, but upon the whole was not very successful. The plot partly hinges on the difficulties of domestic service in this country, a subject which, it must be admitted, in this book, as in ladies' conversations, is sometimes deficient in interest. Several of his public addresses have been published. One of them on "The Relations Between Lawyer and Client" is a most admirable statement of the rules of professional ethics growing out of that relation. Another on "The Bible By Itself" is an earnest appeal for the more thorough and general study of the Bible.

Mr. Butler had an extraordinary memory, not only for facts, but for the exact language of long passages in poetry or prose. On one occasion he wrote out a funeral sermon which he had heard so accurately that the clergyman who delivered it, and to whom it was submitted for revision, stated that he had no corrections or alterations to suggest.

When Mr. Butler was a young man he once attended one of Mr. Samuel Rogers' famous literary breakfasts in London. Mr. George Bancroft, the historian, who was all his life an intimate friend of Mr. Butler, was present. At that breakfast Mr. Rogers recited to his guests an unpublished poem. After leaving, Mr. Butler accompanied Mr. Bancroft to his home, and after arriving there, Mr. Bancroft expressed a wish that he had a copy of the verses which they had just heard. "Then take your pencil," said Mr. Butler, and he thereupon dictated to Mr. Bancroft the entire poem correctly.

Nearly fifty years later, at a dinner at Mr. Bancroft's house in Washington, at which Mr. Butler was present, Mr. Bancroft told this story as affording a remarkable exhibition of the power of memory, and, turning to Mr. Butler, asked him if he

remembered the incident. Mr. Butler replied, "Yes, I remember the incident and I remember the poem, too," and he thereupon proceeded to recite the entire poem again.

His marvelous memory remained unimpaired to the end of his life. The last poem which he wrote was in April, 1902, on the fiftieth anniversary of the church in Yonkers, of which for many years he was a member. When he composed this poem he had become substantially blind. It contains one hundred and thirty-three lines. It was written down from his dictation, and, when finished, was read over to him a few times, and he delivered it himself at the church meeting, entirely from memory, without the slightest break or hesitation, never having seen, and being entirely unable to see, the words.

Of Mr. Butler as a man and citizen, it would be difficult to speak too highly. In the year 1865 he removed to Yonkers, where he always afterwards resided. He took a deep interest in all good causes in Yonkers, and was for many years recognized as the leading citizen of the place. He made addresses on almost all important public occasions in Yonkers, and his speeches were always of marked distinction and elevation of tone. Among the most notable were those delivered at the opening of the Music Hall and at the opening of the Woman's Institute, in which institution Mr. Butler was very deeply interested and to which he made large gifts of money.

Mr. Butler was a man of the widest and deepest sympathy with suffering and wretchedness of every kind. He was especially impressed by the misery of the very poor in the great cities. Nearly fifty years before the recent tenement legislation in this State was adopted some of the noblest passages in Mr. Butler's poetry denounced the New York tenement house. Many of you will remember the splendid passage near the end of "Nothing to Wear."

"O ladies, dear ladies, the next sunny day
Please trundle your hoops just out of Broadway,
From its whirl and its bustle, its fashion and pride,
And the temples of Trade which tower on each side,
To the alleys and lanes, where Misfortune and Guilt
Their children have gathered, their city have built;
Where Hunger and Vice, like twin beasts of prey,
Have hunted their victims to gloom and despair;
Raise the rich, dainty dress, and the fine broidered skirt,
Pick your delicate way through the dampness and dirt,
Grope through the dark dens, climb the rickety stair
To the garret, where wretches, the young and the old,
Half starved and half naked, lie crouched from the cold;
See those skeleton limbs, those frost-bitten feet,
All bleeding and bruised by the stones of the street;
Hear the sharp cry of childhood, the deep groans that swell
From the poor dying creature who writhes on the floor;
Hear the curses that sound like the echoes of Hell,
As you sicken and shudder and fly from the door;
Then home to your wardrobes, and say, if you dare—
Spoiled children of fashion—you've nothing to wear!"

Equally noble are the lines on the same theme from "Two Millions," written in 1858.

"The Tenement House, o'er which, with friendly hand,
Modern Improvement waves no magic wand,
With half-cracked walls and windows all askew,
Stamped with the blight of beggary through and through,
Lintel and door-post sprinkled with its sign,
House after house extends the dismal line!
A dreary sight to philanthropic eyes,
Between the gutter and the distant skies,
By filth and noisome odors marked and tracked,
Through the dense districts where the poor are packed,
Crowded and swarming in those wretched hives,

Layer on layer of cheap human lives!
Or, if you think the picture overdone,
Go for yourself, if you have never gone;
Go in midwinter, when the drifting sleet
Through the bare hall pursues your freezing feet,
And, as from room to room you hurry past,
The crazy building rattling in the blast,
At doors ajar gaunt faces peep and glare,
In hopes some friendly step may linger there.
Go in midsummer, when the August rays
Pour on the place their fierce, untempered blaze:
From the scorched pavement to the sun-struck eaves,
No point of shade the flaming mass relieves;
And the hot air, with rank and poisoned breath,
Through doors and windows puffs disease and death."

This feeling of the need of reform in tenement house construction never left him.

In the last poem he ever wrote, in 1902, in answering the question, "What Needs the Church To-Day?" he states, among other things, that it should

"Share the toil where civic virtue strives
For better laws and homes and nobler lives."

Mr. Butler was a Republican in politics all his life, and at almost every presidential election he made a speech in Yonkers on the political issues of the election. These speeches were usually published. They were characterized by a distinction of style and a nobility of thought which gave them rank among the finest political addresses of his time. He never filled any political or judicial office, and it is a subject of sincere regret that a man so highly qualified to render valuable services in such capacities should have been left, through a long life in this State, without being called into the public service.

It is natural, in the memorials of members of this Association, to err on the side of eulogy. But Mr. Butler's life and character were so praiseworthy that it is difficult to speak of them with due reserve. He was a perfect gentleman. His clear-cut, intellectual face, like a Greek cameo, and his whole bearing, always gave the impression both of power and of distinction. He was a man of wide cultivation, and of taste for all graceful and beautiful things. He had an unusually affectionate and domestic nature. He was very fond of his family, his relations, his friends, his home, his books. Even the bitter trial which befell him in the last few years of his life, in the loss of his eyesight, did not affect the unvarying serenity, and sweetness of his character. He had, without ostentation, a deeply reverent and devotional nature. This is particularly shown in his serious poetry which is almost always tinged with a deep religious feeling. In short, in all the relations of life, he was a man entitled to the highest admiration.

In estimating his actual rank as a lawyer and as a literary man, it may probably he admitted that there were a few lawyers of his time of greater eminence, and a few literary men of his time of greater reputation, but I think it is an entirely accurate statement to assert that no man of his time, either in England or America, held an equally high rank, both as a lawyer and a literary man.

MEMORIAL PROCEEDINGS IN THE SUPREME COURT

At a session of the Supreme Court, Appellate Division, First Department, held in the Court House in the County of New York, on Wednesday, October 22, 1902, there being present Justices Van Brunt, Patterson, Ingraham, Hatch and Laughlin, the following memorial was presented and read before the Court by Mr. John E. Parsons:

William Allen Butler, the son of Benjamin Franklin Butler, was born at Albany, on February 20th, 1825, and died at Yonkers on September 9th, 1902. He was admitted to the bar in 1846, and his active professional career, if it should be considered as having terminated before his death, covered a period considerably longer than half a century.

Mr. Butler began the practice of the law with the advantage and the peril of a professional association with a great Lawyer—his father, whose name and fame as a lawyer and as an advocate, still are and long will be remembered. If such a reputation is inheritable, it is a burden or a benefit to the heir, according to his capacity to administer the succession. Mr. Butler's career at this Bar may be summed up by the statement that his death left it undiminished.

Such a memorial as this has for its purpose a record of character, and a tribute of respect, and not a narrative of incidents. Mr. Butler's life, indeed, is conspicuous, not for striking events, but for a steady and continuous labor in an absorbing profession, and an equally steady and continuous flow of consequent reputation and prosperity. The grace-

ful style, the poetic fancy, and the brilliant wit which were among his native gifts, and which were effective professional weapons in his hands, certainly served him also for his own pleasure and that of others in moments of diversion; but by those who have known him at the Bar it will unhesitatingly be acknowledged that his life work did not differ in character, if it did in the degree of prosperity and reputation by which it was deservedly rewarded, from that of any successful lawyer, charged with the responsibility of affairs of great importance and constantly absorbed in the exacting labor of adviser and advocate.

A reference to a few of the important cases in which Mr. Butler was engaged will serve as evidence of his rank in the profession.

In the case of The Steamer *Pennsylvania* (19 Wall, 126) Mr. Butler was successful in obtaining a reversal by the Supreme Court of the United States of the decrees both of the Circuit and District Courts, which had followed decisions of the English Admiralty Court, and of the Privy Council. This decision conclusively settled the doctrine in collision cases, that a vessel violating a rule of navigation laid down by Statute, must prove affirmatively that such violation could not have contributed to the disaster. The decision has been repeatedly cited and followed, and has been of immense value in inducing compliance with the provisions of the Statutes.

In *The Scotland* (105 U. S., 24), where Mr. Butler was again successful in spite of adverse decisions below, the Supreme Court of the United States established the rule that owners of foreign Vessels may obtain the benefit of our Statutes for the limitation of liability of owners of Vessels for disasters on the high seas.

In Sturgis *v.* Spofford (45 N. Y., 446) Mr. Butler successfully maintained the constitutionality of the Law of 1853,

establishing the Board of Commissioners of Pilots; and in People *v.* Vanderbilt (26 N. Y., 286) he obtained an assertion of the power of that board to prevent encroachments upon the public piers and in the Harbor of New York.

Other important cases argued by Mr. Butler were Union Trust Co. *v.* New York, Chicago & St. Louis R.R., involving the validity of the bonds and mortgage of the defendant company; Rich *v.* New York Central R. R. (87 N. Y., 383), and (154 N. Y., 733), involving novel questions as to liability for tort arising from non-performance of contract; The Chicago Gas Trust Reorganization case, where the legality of the plan of reorganization was sustained against the opinion of a majority of leading Lawyers of Chicago; Fifth Avenue Bank *vs.* Colgate (120 N. Y., 381), involving novel questions affecting liability under the Special Partnership Act; Stevenson *v.* Brooklyn R. R. (114 U. S., 149), a case on patent Law; Liverpool & London & Globe Insurance Co. *v.* Gunther (116 U. S., 115), involving interesting questions in the Law of Fire Insurance; the Legal Tender case of Juillard *v.* Greeman (110 U. S., 421), and the famous case of Hoyt *v.* Sprague (103 U. S., 613), involving intricate questions of partnership Law.

A just appreciation of Mr. Butler's thorough and general attainments in our many-sided science precludes, however, the ascription to him of superior attainments in any one of its branches. In the law of admiralty, of insurance, of real estate, of wills and testamentary trusts, of corporations and banking, as in other branches which are sometimes considered specialties, he was a master, but he had too many specialties to be considered a specialist.

So again Mr. Butler was too sound and sagacious an adviser in his office, too brilliant and successful an advocate in the Courts to be permitted to devote himself exclusively to one or the other of the two main divisions of the profession.

Perhaps the most effective work, however, was as an advocate and especially in the Appellate Courts, where his deep knowledge of the law, his phenomenal memory, his remarkable powers of elucidation and illustration of legal principles, and his temperate and almost judicial attitude of mind, were most effectively brought into play.

But such talents as these, though always compelling admiration, would not alone command the grateful respect which it is sought here to record. It is a conspicuous pattern of the noble qualities of professional character that he should be described and remembered. That his integrity was spotless, his veracity undeviating, is hardly to be remarked; but it is remarkable that in him they appeared to be spontaneous and instinctive, to be of the inward essence of the man. Among the fruits of these fundamental qualities were candor and fairness in the statement both of facts and principles, courtesy and generosity to his adversaries, and his reward, in the confidence and affection of Bench and Bar, was as ample as deserved.

The rank accorded to Mr. Butler by his professional brethren is evidenced by his having served as President of the American Bar Association in 1885–1886, and as President of the Association of the Bar of the City of New York in the years 1887 and 1888.

No complete view of Mr. Butler could be made without a reference to his character as a man and a Citizen. Evidence on these matters can best be found in the community in which a man has dwelt. For the last thirty-seven years of his life Mr. Butler was a resident of Yonkers. All the best elements in the development of this Village, Town and City, in which he lived and whose growth he watched, were of keen interest to Mr. Butler and were generously fostered by him. As a devoted member of one of its largest churches, as the chief founder

of a free reading room, which until other instrumentalities superseded it, was of great benefit to the poorer classes; as a large contributor in work and money to the building up of the Woman's Institute for the benefit of working women, one of the most successful Institutions of the City, as the wise adviser of one of its hospitals, and in many other ways, Mr. Butler showed his public spirit. While taking no prominent part in party management, he never failed on occasion to counsel his fellow-citizens upon public questions on the platform and through the press, and no opinions were listened to with more respect or carried greater weight. His views in council were sought upon a great variety of subjects affecting the common welfare, and his influence, founded upon the confidence of the community in his high character, public spirit, fair and sound judgment, has for a generation been widely felt.

Nor was Mr. Butler's public spirit and usefulness unfelt in the city of New York, where he was constantly connected with important philanthropic work. He was, for instance, an active member for many years, of the Board of Trustees of the Lenox Library, and, after its consolidation with the Astor and Tilden Libraries, and until his death, of the Board of Trustees of the New York Public Library.

Mr. Butler's life, and that of his distinguished father, cover a period which connects the present with the far different kind of professional life and work in the early years of the past century. During the many years which he devoted to his profession he was a marked figure. It is no disparagement of others to say that from the beginning his position was in the very front rank. Following upon the renown which by his name he inherited, his position might in a special sense be described as unique. The members of his profession have thought that in his case it was exceptionally suitable that there

should be inscribed upon the records of the Court some reference to his career, and the due expressions of regret, when at last, full of years and honor, he passed away.

At the conclusion of Mr. John E. Parsons's reading of the memorial, Presiding Justice Van Brunt addressed the Bar as follows:

It was with great regret that we learned last summer of the death of Mr. Butler. He was one of the few remaining links which connect the past with the present and the old with the new. He commenced his study of the law at a time when its practice required some accuracy and precision. He served his novitiate at a time when the counsel filing his declaration was compelled to know whether he desired to recover upon a promissory note or for conversion. The analysis which the counsel was then required to make of the case which was presented before him stood Mr. Butler in good stead during the whole of his career. There was one feature in his presentation of his cases to the Court which always struck me as being exceedingly remarkable, and I know of none that excelled him in that regard and few that equalled him. He evidently had prepared his cases with great care, had studied them in all the lights to which they were subject, and he was enabled to state all the facts of the case clearly, accurately and with precision, being careful not to leave out those which might tend against the view which he desired to enforce upon the Court. So that when he had gotten through with his statement of the case the Court might feel confident that they were possessed of all the facts which were necessary to apply the principles which he would then seek to lay before the Court. I regret to say that our experience of today shows that his example has been rarely followed in that particular.

And I have often thought that probably the reasons why he was so happy in that regard, arose from the fact of his early education, at a time, as I have already said, when some precision and accuracy were required on the part of the counsel in respect to the features of the case upon which he expected to succeed.

The memorial expresses very aptly and happily the position which Mr. Butler occupied at the Bar; and all its suggestions are fully concurred in by the Court. They think it is eminently proper that the memorial should be spread upon the minutes of the Court as a tribute to the memory of Mr. Butler, and they make that direction. The memorial will accordingly be inscribed upon the minutes of the Court with a memorandum of the proceedings of this meeting.

MEMORIAL PROCEEDINGS IN THE DISTRICT COURT OF THE UNITED STATES

At a session of the District Court of the United States for the Southern District of New York, held on October 28, 1902, in the court rooms in the City of New York, Mr. Robert D. Benedict addressed the Court as follows:

May it please the Court.

A memorial of William Allen Butler, recently deceased, was presented to the Appellate Division of the Supreme Court of this Department on the twenty-second instant on behalf of the Bar and was ordered by that Court to be recorded in its minutes.

It has been thought appropriate that in view of the eminence of Mr. Butler in Admiralty a memorial should be presented to the Admiralty Court also which should speak of him as an Admiralty lawyer.

And on behalf of the Admiralty Bar the Court is now requested to receive the following Memorial and to order that it may be placed upon the files of the Court and recorded in its minutes.

MEMORIAL

On September 9, 1902, died William Allen Butler, who was admitted to the Bar of this Court on January 5, 1848. For a large part of the fifty years of his membership of the Bar of this Court he was active in the Admiralty practice, and he took part in many of the important cases which have come before our Admiralty Courts. It would take too long to give

details of even the more important of these cases. But two cases may well be mentioned, from which Mr. Butler obtained the fame which belongs to successful counsel in cases of great national importance.

One was the case of the steamer *Pennsylvania*, in which Mr. Butler obtained from the Supreme Court of the United States a reversal, not only of the decree of both the Circuit and District Courts, but also of the English Admiralty Court and Privy Council, whose decisions had been followed by our lower courts. The decision in that case established upon an immovable foundation the doctrine in reference to collision of vessels, that, as to matters which are governed by statute, if either vessel which has been in collision has violated such express provision, the burden is upon her to establish that such violation could not have in any way contributed to the disaster, a decision of immense importance in ensuring compliance by navigators with the provisions of that statute.

The other case was the case of *The Scotland*, in which Mr. Butler won again the success in the United States Supreme Court of reversing the decisions of the two lower courts. That case established the rule that the owners of foreign vessels may obtain the benefits of the limitations of liability, created by the statutes of this country, in reference to disasters occurring to their vessels on the high seas, a decision whose far-reaching extent can hardly be exaggerated.

It may be added, to show the importance of these two decisions, that the case of the *Pennsylvania* has been cited more than seventy times, and the case of the *Scotland* more than eighty times, by the courts, in their decisions involving similar questions.

Mr. Butler's knowledge of the Admiralty law and its principles was large. Nor was it confined to the questions which more frequently arise. He extended his researches into less

familiar regions of the law. His poem on General Average shows not only his research but also his quick sense of the humorous elements which may be found here and there, even in the consideration of legal matters.

It was not, however, to such *nugae canorae* that Mr. Butler attributed importance. He said once to a friend, when his poem of "Nothing to Wear" had been mentioned, "Is it not pitiful that such a trivial thing as that should be more widely known, and give to its author a more extended reputation, ofttimes, than he receives from works to which he has given the full exercise of his best powers?"

Nor will we dwell upon such light trifles. His clear perception of principles, his acute and powerful reasoning, and, above all, his fairness and courtesy as an advocate, will always entitle him to a high place among the great lawyers of the Admiralty, and to the pleasantest of memories among his fellows of the Admiralty Bar.

The passing away of one so prominent for so long a time should be noted, and an expression given to our feelings of respect for him and regret for our loss. We therefore request the Court to order this brief notice, all too unsatisfactory though it be, to be filed in the Records, and entered upon the Minutes of the Court.

ADDRESS IN THE COURT OF APPEALS

On the presentation of the portrait of William Allen Butler at Albany, New York, March 20, 1911, the following address was made by Alton B. Parker, formerly the Chief Judge of the Court:

If the Court please to permit it, I will appropriate a few minutes before the calendar is taken up, trusting that my subject will insure to my words a patient hearing and to me pardon for the theft of time.

It is my honor and pleasure to present, on behalf of Mrs. William Allen Butler, to the Court, a portrait of her husband, the late William Allen Butler, painted by his son, Howard Russell Butler. Skill and love have wrought so wonderfully well that from this canvas William Allen Butler his very self seems to look out upon us with the old dignity and kindliness. The portrait is indeed faithfully true to the original. "The end has crowned the work; the high endeavor and the long toil, with full success are blest."

William Allen Butler was born in this city, February 20, 1825. The career of his father, Benjamin F. Butler, distinguished lawyer and statesman, carried the son during his boyhood to Washington and later to New York, where he was educated at the University of the City of New York, studied law in his father's office and came to the Bar in 1846. From that year until his death, fifty-six years later, he was continuously engaged in the city of New York.

Much of his professional work was Admiralty practice, but his large general practice brought him as an advocate constantly

before the other Federal and State Courts, and many leading cases in this Court and the United States Supreme Court were briefed and argued by him. Argument and advice from him were ever authoritative and clarifying. He was loyal always to his clients, fair to his opponents, profound in his reverence for legal tribunals and decisions, and exceptionally courteous to the striplings of the bar.

Turning from the professional to the more personal side of the man, we find him cultured, fond of refined society, travel, books and art, cordially sympathetic with poverty and suffering, keenly fond and appreciative of childhood. We know him as a husband and father who loved his home and family before all things, as a poet whose rhythmic periods cling to the memory and whose graceful humor is an inexhaustible pleasure, as a citizen who was at once an enthusiastic partisan and a good patriot.

In other lands such culture, ability and good citizenship would have been emphasized by the royal gift of a title. In this country, where every man is a prince of the blood royal, sovereign people have conferred upon William Allen Butler that fond regard and respect reserved for the few—the aristocrats of our regal Republic, men of pre-eminent talent, lofty character, pure ideals, fearless truth and unselfish life. "And with theirs his loved name shall be honored and sung."

On September 9, 1902, William Allen Butler crossed the bar and dropped anchor in the shimmer of the harbor lights of the City of Promise.

"Where all is made right which so puzzles us here,
Where the glare and the glitter and tinsel of Time
Fade and die in the light of that region sublime,
Where the soul, disenchanted of flesh and of sense,
Unscreened by its trappings and shows and pretense,
Must be clothed for the life and the service above,
With purity, truth, faith, meekness and love."

There hang now in this chamber and the entrance corridor portraits of jurists and members of the Bar representing the long line from the day of Jay, Kent and Van Vechten to ours, whose names are so familiar of the legal page, but whose faces, except the few that live in our memories are known to us only because their portraits adorn these walls. It is fitting that William Allen Butler should be added to these Judges and advocates of old time by whom we are surrounded from the moment we cross the outer threshold.

> "A silent multitude—and thus
> No message comes from them to us,
> Yet, like a tuneful requiem,
> A greeting goes from us to them."

Chief Judge Cullen, in accepting the portrait on behalf of the Court, responded to Judge Parker as follows:

"It is with great pleasure that the Court receives the portrait now presented to it. William Allen Butler, whose likeness is now before us, was a gentleman of great culture and refinement, a ripe scholar, and possessed of literary ability of a high order, but it is his standing as a great lawyer and advocate that renders it appropriate that his portrait should hang on the walls of the entrance to this Court room, so that members of the profession of coming generations may see how the man, whose distinction and learning they will know only either historically or by tradition, appeared in the flesh, and may be aroused to emulate his character and achievements.

"Now, unfortunately, our space is circumscribed, but we hope the time will come when this Court will have an abode of its own of such a size as to gather in its halls the portraits of all the great men of this State who have honored our profession.

"Judge Parker will please return to the family of Mr. Butler our thanks for its gift."

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